

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

December 6, 2006

**DISCUSSION/DECISION: TRANSITIONING PROJECTS TO OTHER  
AUTHORITIES**

## **CWPPRA Project Transfer to other Authorities and Programs Discussion on recommended Draft Procedures**

December 5, 2006

The P&E was delegated by the Technical Committee at their 13 September 2006 meeting to continue work initiated by the LCA program on transitioning projects from CWPPRA to other authorities. The goal of the continued work has been to refine and streamline the process and make it less bureaucratic compared to what has been provided to date by the Corps. The P&E evaluated and modified the document prepared by the Corps as directed, and produce a draft appendix to the CWPPRA.

A preliminary draft was prepared and reviewed, and a subsequent first draft dated and sent 22 November 2006, to the P&E for review and comment.

The NMFS, NRCS, USFWS, EPA and DNR concurred with the first draft. This first draft provided that the Task Force would vote on whether or not to transfer projects that are specifically authorized by Congress. However, some experts at the Corps advised that CWPPRA projects that become specifically authorized under a different program/authority by Congress may have overriding precedence and that the Task Force would not have discretionary authority on whether or not to transfer the project from the CWPPRA Program. Conversely, the Corps Office of Counsel advised that they are not aware of any draft legislation that would require CWPPRA to transfer a project per se.

In the interim between the two opinions from the Corps, a second alternate draft transfer procedure was sent by the Corps to the P&E. This second draft, dated 4 December 2006, modified the how the Task Force would respond to a "Directed Transfer". Minor grammatical changes were also made through out the document to better clarify roles and intent. The fundamental differences in the two documents are in Section 1.a. and are compared below:

1. Principles Governing Transfers:

a. Directed Transfers:

**First Draft:** Task Force votes on whether or not to transfer if a project is specifically authorized by congress.

**Second Draft:** Task Force transfers automatically if a project becomes specifically authorized by congress.

The other minor edits are described as follows:

Introduction paragraph:

a. reversed order of second two sentences to correspond with the order they are addressed in the body of the document.

## 1. Principles Governing Transfers:

a. Added "specifically to first sentence. If a project becomes specifically authorized by congress, it automatically supersedes other authorities. As such, deleted "determine by vote whether or not to".

b. Revised paragraph to read similarly in structure to "a.". i.e. In the event/on the occasion. Also added "specifically authorized and the lead agency for that authority or program wishes to take on the project" to make it clear that the project is not specifically authorized and that the receiving agency is electing (even though it should be evident by the section title). Also added "including reasonable justification" so that letters of intent can provide information for that the Task Force can use to weigh the request.

## 2. Transfer Procedures:

a. First sentence: changed "votes" to "is directed", inserted CWPPRA, removed sponsor after Federal and combined "federal and state sponsors". Also added "receiving authority to the list of entities to notify. Last Sentence: Since the CWPPRA SOP for deauthorizing projects was revised to include Transferring projects, deleted "and subsequently deauthorized by the CWPPRA program" and added "from CWPPRA.

e. First sentence" changed deauthorized to transfer. Second sentence, changed "deauthorization" to "transfer". Removed quotes from "close out".

**November 22, 2006**

**Appendix I**  
**Transfer of Projects from CWPPRA to another Agency or Authority**  
**for Further Action**

*Several circumstances may result in projects being considered by the CWPPRA Task Force for transfer to other authorities. Such transfers may be appropriate in cases where alternate project planning, engineering, or construction authorities are identified as potentially more suitable than CWPPRA. Such transfers may also include cases where specific or programmatic Congressional authorization or funding has been provided for projects authorized under the CWPPRA program. This appendix is intended to provide general guidance regarding project transfers.*

**1. Principles Governing Transfers**

a. **Directed Transfers:** In the event that a CWPPRA project is authorized by another Congressional authority or Federal program, the CWPPRA Task Force shall determine by vote whether or not to transfer the project to the alternate authority.

b. **Elective Transfers:** On occasion, there may be circumstances where a CWPPRA project would be more appropriately placed in another authority or program. In such a case, the receiving authority shall provide the CWPPRA Task Force with a letter of intent to transfer the project to its authority. The CWPPRA Task Force shall determine by vote whether or not to transfer the project to the alternate authority.

**2. Transfer Procedures**

a. In the event the Task Force votes to transfer a project, the Federal Sponsor and the Local Sponsor shall notify the Louisiana Congressional delegation, the State House and Senate Natural Resources Committee chairs, the State Senator (s) and State Representative (s) in whose district the project falls, senior parish officials in the parish (es) where the project is located, any landowners whose property would be directly affected by the project, and any interested parties. The purpose of the letter is to notify all parties that the project will be transferred to the receiving authority and subsequently deauthorized by the CWPPRA program.

b. The federal and local sponsor shall provide a chronological summary of all work completed to date, identify any outstanding issues, and provide all project information to the receiving authority, including acquired data, engineering and design analyses, and project documents. In cases where the project has

undergone significant engineering and design efforts, it is anticipated that significant quantities of hard copy and digital information will be provided.

- c. The Federal and Local sponsors shall host an information transfer meeting with appropriate representatives of the receiving authority. The purpose of the meeting is to review project status and details regarding work accomplished to date.
- d. Expenditures of CWPPRA funds to re-package project information, conduct additional analyses or acquire new data or information are not anticipated and shall require explicit approval by the CWPPRA Task Force.
- e. Subsequent to the information transfer meeting, the project will be deauthorized from the CWPPRA program in accordance with Section 6.p. of the CWPPRA SOP. Upon de-authorization, the Federal and Local sponsors shall proceed to an accounting of final costs and “close out” the project in accordance with Section 6.o. of the SOP.

**December 4, 2006**

## **Appendix I**

### **Transfer of Projects from CWPPRA to another Agency or Authority for Further Action**

*Several circumstances may result in projects being considered by the CWPPRA Task Force for transfer to other authorities. Such transfers may include cases where specific or programmatic Congressional authorization or funding has been provided for projects authorized under the CWPPRA program. Such transfers may also be appropriate in cases where alternate project planning, engineering, or construction authorities are identified as potentially more suitable than CWPPRA. This appendix is intended to provide general guidance regarding project transfers.*

#### **1. Principles Governing Transfers**

- a. **Directed Transfers:** In the event that a CWPPRA project is specifically authorized by another Congressional authority or Federal program, the CWPPRA Task Force shall transfer the project to the alternate authority.
- b. **Elective Transfers:** On the occasion when a CWPPRA project would be more appropriately placed in another authority or program under which the project is not specifically authorized and the lead agency for that authority or program wishes to take on the project, that lead agency shall provide the CWPPRA Task Force with a letter of intent to transfer the project to its authority, including reasonable justification for such transfer. The CWPPRA Task Force shall determine by vote whether or not to transfer the project to the alternate authority.

#### **2. Transfer Procedures**

- a. In the event the Task Force is directed to transfer a project, the CWPPRA Federal and Local Sponsors shall notify the receiving authority, the Louisiana Congressional delegation, the State House and Senate Natural Resources Committee chairs, the State Senator (s) and State Representative (s) in whose district the project falls, senior parish officials in the parish (es) where the project is located, any landowners whose property would be directly affected by the project, and any interested parties. The purpose of the letter is to notify all parties that the project will be transferred from CWPPRA to the receiving authority.
- b. The federal and local sponsor shall provide a chronological summary of all work completed to date, identify any outstanding issues, and provide all

project information to the receiving authority, including acquired data, engineering and design analyses, and project documents. In cases where the project has undergone significant engineering and design efforts, it is anticipated that significant quantities of hard copy and digital information will be provided.

- c. The Federal and Local sponsors shall host an information transfer meeting with appropriate representatives of the receiving authority. The purpose of the meeting is to review project status and details regarding work accomplished to date.
- d. Expenditures of CWPPRA funds to re-package project information, conduct additional analyses or acquire new data or information are not anticipated and shall require explicit approval by the CWPPRA Task Force.
- e. Subsequent to the information transfer meeting, the project will be transferred from the CWPPRA program in accordance with Section 6.p. of the CWPPRA SOP. Upon transfer, the Federal and Local sponsors shall proceed to an accounting of final costs and close out the project in accordance with Section 6.o. of the SOP.

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

December 6, 2006

**DISCUSSION: FUNDING OF ENVIRONMENTAL IMPACT STATEMENTS  
(EIS)/NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) FOR  
TRANSFERABLE CWPPRA PROJECTS**



## **Funding CWPPRA NEPA Compliance Activities for Projects it Cannot Construct**

**Discussion: Continued CWPPRA Program Funding of NEPA Compliance Activities, Especially EIS's for Projects that are, or will be, Recommended for Transfer to Other Programs. (Clark)** The Technical Committee will discuss the issue of funding NEPA activities, including EIS's for projects recommended to be transferred to other programs. Such actions have already begun on two projects that CWPPRA is considering transferring to another program for construction because they will exceed CWPPRA's funding capabilities. Should the Program fund the total costs of developing NEPA-compliance for projects it cannot construct? If not, to what stage should the program fund the NEPA-compliance process?

The issue of CWPPRA funding the total costs of EIS's and other NEPA activities for projects intended for transfer to other programs becomes timely, due to the July and October 2006 Task Force actions concerning the Bayou Lafourche and Myrtle Grove projects. The Task Force did not agree to allow funding to complete the Bayou Lafourche EIS with CWPPRA funds at its October meeting. For consistency, a discussion is in order to explore the extent to which CWPPRA should fund NEPA-compliance activities for the Myrtle Grove project, and other such projects in the future, in light of their possible transfer to the LCA or another program.

The Technical Committee can recommend that the Task Force fund all, part, or none of EIS/NEPA development for transferable projects; however, the issue is also one of consistency with the NEPA regulations.

### **Current NEPA Policy**

Current National Environmental Policy Act regulations (40 CFR Parts 1500-1508) state that an Environmental Assessment and Finding of No Significant Impact (FONSI) are required for activities without significant impacts, unless categorically excluded. An Environmental Impact Statement (EIS), with a Record of Decision, is required for projects that propose significant environmental impacts.

### **EIS Process**

After the decision that an EIS is required is made, the following steps should be followed: Issue Notice of Intent in the Federal Register (40 CFR 1501.7), Begin the Scoping Process (40 CFR 1501.7), Prepare Preliminary Draft EIS (40 CFR 1502), Review of Preliminary DEIS, Prepare DEIS, Distribute DEIS (minimum 60-day review period) for comment and public meeting (if appropriate) (40 CFR 1506.9), Respond to DEIS and prepare preliminary Final EIS, review preliminary FEIS, Prepare FEIS, File and distribute FEIS (minimum 30 days to decision) (40 CFR 1506.10), Make decision and Prepare Record of Decision (40 CFR 1505.2), and finally, Implement the Action (30 days after public notification).

### **EIS Content**

An EIS should include the following: Summary, Purpose and Need for the Action, Alternatives Including the Proposed or Preferred Action, Affected Environment, Environmental Consequences (of Alternatives), Preparers, Agencies and persons copied, Appendices. [40 CFR Part 1502.10; National Environmental Policy Act (NEPA) of 1970; 42 USC 4371 et seq.].

### **CWPPRA EIS Funding Recommendation**

CWPPRA cannot build projects it intends to transfer to other authorities for construction because the project costs are greater than available CWPPRA funding. The CWPPRA program should not bear the total burden of preparing the EIS for transferable projects for the following reasons.

- CWPPRA should not select the preferred alternative and complete the EIS, prior to the project being transferred to the constructing program, because once the project has been transferred, it is out of CWPPRA's control and the preferred alternative and EIS could (and likely would) be modified to meet construction agency program requirements.
- If the non-CWPPRA constructing program modifies the project after transfer, a supplemental EIS may be required at added government expense. If EIS preparation were delayed until the selection of the preferred alternative by the constructing program, costs would be reduced.
- The CWPPRA Program could expend public funds to prepare a document that would likely have to be modified after project transfer; thus duplicating expenditures.

### **CWPPRA May Fund Part of EIS Development**

If the CWPPRA Task Force approves funding part of EIS development for projects planned to be transferred to another program, the question becomes to what stage CWPPRA funds could be used for NEPA-compliance activities. Depending on the individual project-related circumstances, CWPPRA could potentially fund, if requested; preliminary DEIS development up to, but not including, the selection of the Preferred Alternative. This would include, Notice of Intent, Scoping Meetings and Summaries, Purpose and Need for the Action, Describing the Affected Environment, Alternative Development and Discussion (not to include selection of the "preferred alternative"), and some development of Environmental Consequences of the Alternatives (without identifying or favoring a "preferred alternative"). Thus, a majority of the preliminary DEIS preparations could potentially be funded by CWPPRA without CWPPRA funding the total EIS that would include selecting and analyzing a preferred alternative that may be modified later by a program that will construct the project.

**Recommendation:** It is recommended that the CWPPRA Program be authorized to fund NEPA activities associated with preliminary DEIS development, up to - but

**not including - selection of the preferred alternative, prior to project transfer to a constructing program.**

dc 11-13-06

## PART 1500--PURPOSE, POLICY, AND MANDATE

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- Sec.    [1500.1 Purpose.](#)  
         [1500.2 Policy.](#)  
         [1500.3 Mandate.](#)  
         [1500.4 Reducing paperwork.](#)  
         [1500.5 Reducing delay.](#)  
         [1500.6 Agency authority.](#)

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609) and E.O. 11514, Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Source: 43 FR 55990, Nov. 28, 1978, unless otherwise noted.

### **Sec. 1500.1 Purpose.**

(a) The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102(2) contains "action-forcing" provisions to make sure that federal agencies act according to the letter and spirit of the Act. The regulations that follow implement section 102(2). Their purpose is to tell federal agencies what they must do to comply with the procedures and achieve the goals of the Act. The President, the federal agencies, and the courts share responsibility for enforcing the Act so as to achieve the substantive requirements of section 101.

(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.

(c) Ultimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork--even excellent paperwork--but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. These regulations provide the direction to achieve this purpose.

### **Sec. 1500.2 Policy.**

Federal agencies shall to the fullest extent possible:

(a) Interpret and administer the policies, regulations, and public laws of the United States in accordance with the policies set forth in the Act and in these regulations.

(b) Implement procedures to make the NEPA process more useful to decisionmakers and the public; to reduce paperwork and the accumulation of extraneous background data; and to emphasize real environmental issues and alternatives. Environmental impact statements shall be concise, clear, and to the point, and shall be supported by evidence that agencies have made the necessary environmental analyses.

(c) Integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively.

(d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment.

(e) Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.

(f) Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.

### **Sec. 1500.3 Mandate.**

Parts 1500 through 1508 of this title provide regulations applicable to and binding on all Federal agencies for implementing the procedural provisions of the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321 et seq.) (NEPA or the Act) except where compliance would be inconsistent with other statutory requirements. These regulations are issued pursuant to NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.) section 309 of the Clean Air Act, as amended (42 U.S.C. 7609) and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977). These regulations, unlike the predecessor guidelines, are not confined to sec. 102(2)(C) (environmental impact statements). The regulations apply to the whole of section 102(2). The provisions of the Act and of these regulations must be read together as a whole in order to comply with the spirit and letter of the law. It is the Council's intention that judicial review of agency compliance with these regulations not occur before an agency has filed the final environmental impact statement, or has made a final finding of no significant impact (when such a finding will result in action affecting the environment), or takes action that will result in irreparable injury. Furthermore, it is the Council's intention that any trivial violation of these regulations not give rise to any independent cause of action.

### **Sec. 1500.4 Reducing paperwork.**

Agencies shall reduce excessive paperwork by:

(a) Reducing the length of environmental impact statements (Sec. 1502.2(c)), by means such as setting appropriate page limits (Secs.

1501.7(b)(1) and 1502.7).

(b) Preparing analytic rather than encyclopedic environmental impact statements (Sec. 1502.2(a)).

(c) Discussing only briefly issues other than significant ones (Sec. 1502.2(b)).

(d) Writing environmental impact statements in plain language (Sec. 1502.8).

(e) Following a clear format for environmental impact statements (Sec. 1502.10).

(f) Emphasizing the portions of the environmental impact statement that are useful to decisionmakers and the public (Secs. 1502.14 and 1502.15) and reducing emphasis on background material (Sec. 1502.16).

(g) Using the scoping process, not only to identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, narrowing the scope of the environmental impact statement process accordingly (Sec. 1501.7).

(h) Summarizing the environmental impact statement (Sec. 1502.12) and circulating the summary instead of the entire environmental impact statement if the latter is unusually long (Sec. 1502.19).

(i) Using program, policy, or plan environmental impact statements and tiering from statements of broad scope to those of narrower scope, to eliminate repetitive discussions of the same issues (Secs. 1502.4 and 1502.20).

(j) Incorporating by reference (Sec. 1502.21).

(k) Integrating NEPA requirements with other environmental review and consultation requirements (Sec. 1502.25).

(l) Requiring comments to be as specific as possible (Sec. 1503.3).

(m) Attaching and circulating only changes to the draft environmental impact statement, rather than rewriting and circulating the entire statement when changes are minor (Sec. 1503.4(c)).

(n) Eliminating duplication with State and local procedures, by providing for joint preparation (Sec. 1506.2), and with other Federal procedures, by providing that an agency may adopt appropriate environmental documents prepared by another agency (Sec. 1506.3).

(o) Combining environmental documents with other documents (Sec. 1506.4).

(p) Using categorical exclusions to define categories of actions which do not individually or cumulatively have a significant effect on the human environment and which are therefore exempt from requirements to prepare an environmental impact statement (Sec. 1508.4).

(q) Using a finding of no significant impact when an action not otherwise excluded will not have a significant effect on the human environment and is therefore exempt from requirements to prepare an environmental impact statement (Sec. 1508.13).

[43 FR 55990, Nov. 29, 1978; 44 FR 873, Jan. 3, 1979]

#### **Sec. 1500.5 Reducing delay.**

Agencies shall reduce delay by:

- (a) Integrating the NEPA process into early planning (Sec. 1501.2).
- (b) Emphasizing interagency cooperation before the environmental impact statement is prepared, rather than submission of adversary comments on a completed document (Sec. 1501.6).
- (c) Insuring the swift and fair resolution of lead agency disputes (Sec. 1501.5).
- (d) Using the scoping process for an early identification of what are and what are not the real issues (Sec. 1501.7).
- (e) Establishing appropriate time limits for the environmental impact statement process (Secs. 1501.7(b)(2) and 1501.8).
- (f) Preparing environmental impact statements early in the process (Sec. 1502.5).
- (g) Integrating NEPA requirements with other environmental review and consultation requirements (Sec. 1502.25).
- (h) Eliminating duplication with State and local procedures by providing for joint preparation (Sec. 1506.2) and with other Federal procedures by providing that an agency may adopt appropriate environmental documents prepared by another agency (Sec. 1506.3).
- (i) Combining environmental documents with other documents (Sec. 1506.4).
- (j) Using accelerated procedures for proposals for legislation (Sec. 1506.8).
- (k) Using categorical exclusions to define categories of actions which do not individually or cumulatively have a significant effect on the human environment (Sec. 1508.4) and which are therefore exempt from requirements to prepare an environmental impact statement.
- (l) Using a finding of no significant impact when an action not otherwise excluded will not have a significant effect on the human environment (Sec. 1508.13) and is therefore exempt from requirements to prepare an environmental impact statement.

**Sec. 1500.6 Agency authority.**

Each agency shall interpret the provisions of the Act as a supplement to its existing authority and as a mandate to view traditional policies and missions in the light of the Act's national environmental objectives. Agencies shall review their policies, procedures, and regulations accordingly and revise them as necessary to insure full compliance with the purposes and provisions of the Act. The phrase "to the fullest extent possible" in section 102 means that each agency of the Federal Government shall comply with that section unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible.

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[Back to Table of Contents](#)



## PART 1501--NEPA AND AGENCY PLANNING

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- Sec. [1501.1 Purpose.](#)  
[1501.2 Apply NEPA early in the process.](#)  
[1501.3 When to prepare an environmental assessment.](#)  
[1501.4 Whether to prepare an environmental impact statement.](#)  
[1501.5 Lead agencies.](#)  
[1501.6 Cooperating agencies.](#)  
[1501.7 Scoping.](#)  
[1501.8 Time limits.](#)

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609, and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Source: 43 FR 55992, Nov. 29, 1978, unless otherwise noted.

### **Sec. 1501.1 Purpose.**

The purposes of this part include:

- (a) Integrating the NEPA process into early planning to insure appropriate consideration of NEPA's policies and to eliminate delay.
- (b) Emphasizing cooperative consultation among agencies before the environmental impact statement is prepared rather than submission of adversary comments on a completed document.
- (c) Providing for the swift and fair resolution of lead agency disputes.
- (d) Identifying at an early stage the significant environmental issues deserving of study and deemphasizing insignificant issues, narrowing the scope of the environmental impact statement accordingly.
- (e) Providing a mechanism for putting appropriate time limits on the environmental impact statement process.

### **Sec. 1501.2 Apply NEPA early in the process.**

Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. Each agency shall:

- (a) Comply with the mandate of section 102(2)(A) to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment," as specified by Sec. 1507.2.
- (b) Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses.

Environmental documents and appropriate analyses shall be circulated and reviewed at the same time as other planning documents.

(c) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of the Act.

(d) Provide for cases where actions are planned by private applicants or other non-Federal entities before Federal involvement so that:

1. Policies or designated staff are available to advise potential applicants of studies or other information foreseeably required for later Federal action.
2. The Federal agency consults early with appropriate State and local agencies and Indian tribes and with interested private persons and organizations when its own involvement is reasonably foreseeable.
3. The Federal agency commences its NEPA process at the earliest possible time.

#### **Sec. 1501.3 When to prepare an environmental assessment.**

(a) Agencies shall prepare an environmental assessment (Sec. 1508.9) when necessary under the procedures adopted by individual agencies to supplement these regulations as described in Sec. 1507.3. An assessment is not necessary if the agency has decided to prepare an environmental impact statement.

(b) Agencies may prepare an environmental assessment on any action at any time in order to assist agency planning and decisionmaking.

#### **Sec. 1501.4 Whether to prepare an environmental impact statement.**

In determining whether to prepare an environmental impact statement the Federal agency shall:

(a) Determine under its procedures supplementing these regulations (described in Sec. 1507.3) whether the proposal is one which:

1. Normally requires an environmental impact statement, or
2. Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

(b) If the proposed action is not covered by paragraph (a) of this section, prepare an environmental assessment (Sec. 1508.9). The agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing assessments required by Sec. 1508.9(a)(1).

- (c) Based on the environmental assessment make its determination whether to prepare an environmental impact statement.
- (d) Commence the scoping process (Sec. 1501.7), if the agency will prepare an environmental impact statement.
- (e) Prepare a finding of no significant impact (Sec. 1508.13), if the agency determines on the basis of the environmental assessment not to prepare a statement.
  - 1. The agency shall make the finding of no significant impact available to the affected public as specified in Sec. 1506.6.
  - 2. certain limited circumstances, which the agency may cover in its procedures under Sec. 1507.3, the agency shall make the finding of no significant impact available for public review (including State and areawide clearinghouses) for 30 days before the agency makes its final determination whether to prepare an environmental impact statement and before the action may begin. The circumstances are:
    - (i) The proposed action is, or is closely similar to, one which normally requires the preparation of an environmental impact statement under the procedures adopted by the agency pursuant to Sec. 1507.3, or
    - (ii) The nature of the proposed action is one without precedent.

#### **Sec. 1501.5 Lead agencies.**

- (a) A lead agency shall supervise the preparation of an environmental impact statement if more than one Federal agency either:
  - 1. Proposes or is involved in the same action; or
  - 2. Is involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity.
- (b) Federal, State, or local agencies, including at least one Federal agency, may act as joint lead agencies to prepare an environmental impact statement (Sec. 1506.2).
- (c) If an action falls within the provisions of paragraph (a) of this section the potential lead agencies shall determine by letter or memorandum which agency shall be the lead agency and which shall be cooperating agencies. The agencies shall resolve the lead agency question so as not to cause delay. If there is disagreement among the agencies, the following factors (which are listed in order of descending importance) shall determine lead agency designation:
  - 1. Magnitude of agency's involvement.
  - 2. Project approval/disapproval authority.
  - 3. Expertise concerning the action's environmental effects.

4. Duration of agency's involvement.
5. Sequence of agency's involvement.

(d) Any Federal agency, or any State or local agency or private person substantially affected by the absence of lead agency designation, may make a written request to the potential lead agencies that a lead agency be designated.

(e) If Federal agencies are unable to agree on which agency will be the lead agency or if the procedure described in paragraph (c) of this section has not resulted within 45 days in a lead agency designation, any of the agencies or persons concerned may file a request with the Council asking it to determine which Federal agency shall be the lead agency. A copy of the request shall be transmitted to each potential lead agency. The request shall consist of:

1. A precise description of the nature and extent of the proposed action.
2. A detailed statement of why each potential lead agency should or should not be the lead agency under the criteria specified in paragraph (c) of this section.

(f) A response may be filed by any potential lead agency concerned within 20 days after a request is filed with the Council. The Council shall determine as soon as possible but not later than 20 days after receiving the request and all responses to it which Federal agency shall be the lead agency and which other Federal agencies shall be cooperating agencies.

[43 FR 55992, Nov. 29, 1978; 44 FR 873, Jan. 3, 1979]

#### **Sec. 1501.6 Cooperating agencies.**

The purpose of this section is to emphasize agency cooperation early in the NEPA process. Upon request of the lead agency, any other Federal agency which has jurisdiction by law shall be a cooperating agency. In addition any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency. An agency may request the lead agency to designate it a cooperating agency.

(a) The lead agency shall:

1. Request the participation of each cooperating agency in the NEPA process at the earliest possible time.
2. Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency.
3. Meet with a cooperating agency at the latter's request.

(b) Each cooperating agency shall:

1. Participate in the NEPA process at the earliest possible time.
2. Participate in the scoping process (described below in Sec. 1501.7).
3. Assume on request of the lead agency responsibility for

developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise.

4. Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.
5. Normally use its own funds. The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests.

(c) A cooperating agency may in response to a lead agency's request for assistance in preparing the environmental impact statement (described in paragraph (b)(3), (4), or (5) of this section) reply that other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement. A copy of this reply shall be submitted to the Council.

**Sec. 1501.7 Scoping.** There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping. As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent (Sec. 1508.22) in the Federal Register except as provided in Sec. 1507.3(e).

(a) As part of the scoping process the lead agency shall:

1. Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds), unless there is a limited exception under Sec. 1507.3(c). An agency may give notice in accordance with Sec. 1506.6.
2. Determine the scope (Sec. 1508.25) and the significant issues to be analyzed in depth in the environmental impact statement.
3. Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3), narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere.
4. Allocate assignments for preparation of the environmental impact statement among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement.
5. Indicate any public environmental assessments and other environmental impact statements which are being or will be prepared that are related to but are not part of the scope of the impact statement under consideration.
6. Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the environmental impact statement as provided in Sec. 1502.25.

7. Indicate the relationship between the timing of the preparation of environmental analyses and the agency's tentative planning and decisionmaking schedule.

(b) As part of the scoping process the lead agency may:

1. Set page limits on environmental documents (Sec. 1502.7).
2. Set time limits (Sec. 1501.8).
3. Adopt procedures under Sec. 1507.3 to combine its environmental assessment process with its scoping process.
4. Hold an early scoping meeting or meetings which may be integrated with any other early planning meeting the agency has. Such a scoping meeting will often be appropriate when the impacts of a particular action are confined to specific sites.

(c) An agency shall revise the determinations made under paragraphs (a) and (b) of this section if substantial changes are made later in the proposed action, or if significant new circumstances or information arise which bear on the proposal or its impacts.

### **Sec. 1501.8 Time limits.**

Although the Council has decided that prescribed universal time limits for the entire NEPA process are too inflexible, Federal agencies are encouraged to set time limits appropriate to individual actions (consistent with the time intervals required by Sec. 1506.10). When multiple agencies are involved the reference to agency below means lead agency.

(a) The agency shall set time limits if an applicant for the proposed action requests them: Provided, That the limits are consistent with the purposes of NEPA and other essential considerations of national policy.

(b) The agency may:

1. Consider the following factors in determining time limits:
  - (i) Potential for environmental harm.
  - (ii) Size of the proposed action.
  - (iii) State of the art of analytic techniques.
  - (iv) Degree of public need for the proposed action, including the consequences of delay.
  - (v) Number of persons and agencies affected.
  - (vi) Degree to which relevant information is known and if not known the time required for obtaining it.
  - (vii) Degree to which the action is controversial.
  - (viii) Other time limits imposed on the agency by law, regulations, or executive order.
2. Set overall time limits or limits for each constituent part of the NEPA process, which may include:
  - (i) Decision on whether to prepare an environmental impact statement (if not already decided).
  - (ii) Determination of the scope of the environmental impact statement.
  - (iii) Preparation of the draft environmental impact

statement.

(iv) Review of any comments on the draft environmental impact statement from the public and agencies.

(v) Preparation of the final environmental impact statement.

(vi) Review of any comments on the final environmental impact statement.

(vii) Decision on the action based in part on the environmental impact statement.

3. Designate a person (such as the project manager or a person in the agency's office with NEPA responsibilities) to expedite the NEPA process.

(c) State or local agencies or members of the public may request a Federal Agency to set time limits.

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[Back to Table of Contents](#)

## PART 1502--ENVIRONMENTAL IMPACT STATEMENT

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- Sec. [1502.1 Purpose.](#)  
[1502.2 Implementation.](#)  
[1502.3 Statutory requirements for statements.](#)  
[1502.4 Major Federal actions requiring the preparation of environmental impact statements.](#)  
[1502.5 Timing.](#)  
[1502.6 Interdisciplinary preparation.](#)  
[1502.7 Page limits.](#)  
[1502.8 Writing.](#)  
[1502.9 Draft, final, and supplemental statements.](#)  
[1502.10 Recommended format.](#)  
[1502.11 Cover sheet.](#)  
[1502.12 Summary.](#)  
[1502.13 Purpose and need.](#)  
[1502.14 Alternatives including the proposed action.](#)  
[1502.15 Affected environment.](#)  
[1502.16 Environmental consequences.](#)  
[1502.17 List of preparers.](#)  
[1502.18 Appendix.](#)  
[1502.19 Circulation of the environmental impact statement.](#)  
[1502.20 Tiering.](#)  
[1502.21 Incorporation by reference.](#)  
[1502.22 Incomplete or unavailable information.](#)  
[1502.23 Cost-benefit analysis.](#)  
[1502.24 Methodology and scientific accuracy.](#)  
[1502.25 Environmental review and consultation requirements.](#)

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Source: 43 FR 55994, Nov. 29, 1978, unless otherwise noted.

### **Sec. 1502.1 Purpose.**

The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.



**Sec. 1502.2 Implementation.**

To achieve the purposes set forth in Sec. 1502.1 agencies shall prepare environmental impact statements in the following manner:

- (a) Environmental impact statements shall be analytic rather than encyclopedic.
- (b) Impacts shall be discussed in proportion to their significance. There shall be only brief discussion of other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted.
- (c) Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with these regulations. Length should vary first with potential environmental problems and then with project size.
- (d) Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of the Act and other environmental laws and policies.
- (e) The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decisionmaker.
- (f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1).
- (g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.

**Sec. 1502.3 Statutory requirements for statements.**

As required by sec. 102(2)(C) of NEPA environmental impact statements (Sec. 1508.11) are to be included in every recommendation or report.

- On proposals (Sec. 1508.23).
- For legislation and (Sec. 1508.17).
- Other major Federal actions (Sec. 1508.18).
- Significantly (Sec. 1508.27).
- Affecting (Secs. 1508.3, 1508.8).
- The quality of the human environment (Sec. 1508.14).

**Sec. 1502.4 Major Federal actions requiring the preparation of environmental impact statements.**

- (a) Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (Sec. 1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact

statement.

(b) Environmental impact statements may be prepared, and are sometimes required, for broad Federal actions such as the adoption of new agency programs or regulations (Sec. 1508.18). Agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking.

(c) When preparing statements on broad actions (including proposals by more than one agency), agencies may find it useful to evaluate the proposal(s) in one of the following ways:

1. Geographically, including actions occurring in the same general location, such as body of water, region, or metropolitan area.
2. Generically, including actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, media, or subject matter.
3. By stage of technological development including federal or federally assisted research, development or demonstration programs for new technologies which, if applied, could significantly affect the quality of the human environment. Statements shall be prepared on such programs and shall be available before the program has reached a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives.

(d) Agencies shall as appropriate employ scoping (Sec. 1501.7), tiering (Sec. 1502.20), and other methods listed in Secs. 1500.4 and 1500.5 to relate broad and narrow actions and to avoid duplication and delay.

#### **Sec. 1502.5 Timing.**

An agency shall commence preparation of an environmental impact statement as close as possible to the time the agency is developing or is presented with a proposal (Sec. 1508.23) so that preparation can be completed in time for the final statement to be included in any recommendation or report on the proposal. The statement shall be prepared early enough so that it can serve practically as an important contribution to the decisionmaking process and will not be used to rationalize or justify decisions already made (Secs. 1500.2(c), 1501.2, and 1502.2). For instance:

- (a) For projects directly undertaken by Federal agencies the environmental impact statement shall be prepared at the feasibility analysis (go-no go) stage and may be supplemented at a later stage if necessary.
- (b) For applications to the agency appropriate environmental assessments or statements shall be commenced no later than immediately after the application is received. Federal agencies are encouraged to begin preparation of such assessments or statements

earlier, preferably jointly with applicable State or local agencies.

(c) For adjudication, the final environmental impact statement shall normally precede the final staff recommendation and that portion of the public hearing related to the impact study. In appropriate circumstances the statement may follow preliminary hearings designed to gather information for use in the statements.

(d) For informal rulemaking the draft environmental impact statement shall normally accompany the proposed rule.

#### **Sec. 1502.6 Interdisciplinary preparation.**

Environmental impact statements shall be prepared using an interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts (section 102(2)(A) of the Act). The disciplines of the preparers shall be appropriate to the scope and issues identified in the scoping process (Sec. 1501.7).

#### **Sec. 1502.7 Page limits.**

The text of final environmental impact statements (e.g., paragraphs (d) through (g) of Sec. 1502.10) shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages.

#### **Sec. 1502.8 Writing.**

Environmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them. Agencies should employ writers of clear prose or editors to write, review, or edit statements, which will be based upon the analysis and supporting data from the natural and social sciences and the environmental design arts.

#### **Sec. 1502.9 Draft, final, and supplemental statements.**

Except for proposals for legislation as provided in Sec. 1506.8 environmental impact statements shall be prepared in two stages and may be supplemented.

(a) Draft environmental impact statements shall be prepared in accordance with the scope decided upon in the scoping process. The lead agency shall work with the cooperating agencies and shall obtain comments as required in Part 1503 of this chapter. The draft statement must fulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of the Act. If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action.

(b) Final environmental impact statements shall respond to comments as required in Part 1503 of this chapter. The agency shall discuss at appropriate points in the final statement any responsible opposing view which was not adequately discussed in the draft statement and shall indicate the agency's response to the issues raised.

(c) Agencies:

1. Shall prepare supplements to either draft or final environmental impact statements if:
  - (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or
  - (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.
2. May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.
3. Shall adopt procedures for introducing a supplement into its formal administrative record, if such a record exists.
4. Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft and final statement unless alternative procedures are approved by the Council.

#### **Sec. 1502.10 Recommended format.**

Agencies shall use a format for environmental impact statements which will encourage good analysis and clear presentation of the alternatives including the proposed action. The following standard format for environmental impact statements should be followed unless the agency determines that there is a compelling reason to do otherwise:

- (a) Cover sheet.
- (b) Summary.
- (c) Table of contents.
- (d) Purpose of and need for action.
- (e) Alternatives including proposed action (sections 102(2)(C)(iii) and 102(2)(E) of the Act).
- (f) Affected environment.
- (g) Environmental consequences (especially sections 102(2)(C)(i), (ii), (iv), and (v) of the Act).
- (h) List of preparers.
- (i) List of Agencies, Organizations, and persons to whom copies of the statement are sent.
- (j) Index.
- (k) Appendices (if any).

If a different format is used, it shall include paragraphs (a), (b), (c), (h), (i), and (j), of this section and shall include the substance of paragraphs (d), (e), (f), (g), and (k) of this section, as further described in Secs. 1502.11 through 1502.18, in any appropriate format.

**Sec. 1502.11 Cover sheet.**

The cover sheet shall not exceed one page. It shall include:

- (a) A list of the responsible agencies including the lead agency and any cooperating agencies.
- (b) The title of the proposed action that is the subject of the statement (and if appropriate the titles of related cooperating agency actions), together with the State(s) and county(ies) (or other jurisdiction if applicable) where the action is located.
- (c) The name, address, and telephone number of the person at the agency who can supply further information.
- (d) A designation of the statement as a draft, final, or draft or final supplement.
- (e) A one paragraph abstract of the statement.
- (f) The date by which comments must be received (computed in cooperation with EPA under Sec. 1506.10).

The information required by this section may be entered on Standard Form 424 (in items 4, 6, 7, 10, and 18).

**Sec. 1502.12 Summary.**

Each environmental impact statement shall contain a summary which adequately and accurately summarizes the statement. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives). The summary will normally not exceed 15 pages.

**Sec. 1502.13 Purpose and need.**

The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.

**Sec. 1502.14 Alternatives including the proposed action.**

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental

Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of no action.
- (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- (f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

### **Sec. 1502.15 Affected environment.**

The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement.

### **Sec. 1502.16 Environmental consequences.**

This section forms the scientific and analytic basis for the comparisons under Sec. 1502.14. It shall consolidate the discussions of those elements required by sections 102(2)(C)(i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) as is necessary to support the comparisons. The

discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in Sec. 1502.14. It shall include discussions of:

- (a) Direct effects and their significance (Sec. 1508.8).
- (b) Indirect effects and their significance (Sec. 1508.8).
- (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See Sec. 1506.2(d).)
- (d) The environmental effects of alternatives including the proposed action. The comparisons under Sec. 1502.14 will be based on this discussion.
- (e) Energy requirements and conservation potential of various alternatives and mitigation measures.
- (f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.
- (g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.
- (h) Means to mitigate adverse environmental impacts (if not fully covered under Sec. 1502.14(f)).

[43 FR 55994, Nov. 29, 1978; 44 FR 873, Jan. 3, 1979]

### **Sec. 1502.17 List of preparers.**

The environmental impact statement shall list the names, together with their qualifications (expertise, experience, professional disciplines), of the persons who were primarily responsible for preparing the environmental impact statement or significant background papers, including basic components of the statement (Secs. 1502.6 and 1502.8). Where possible the persons who are responsible for a particular analysis, including analyses in

background papers, shall be identified. Normally the list will not exceed two pages.

### **Sec. 1502.18 Appendix.**

If an agency prepares an appendix to an environmental impact statement the appendix shall:

- (a) Consist of material prepared in connection with an environmental impact statement (as distinct from material which is not so prepared and which is incorporated by reference (Sec. 1502.21)).
- (b) Normally consist of material which substantiates any analysis fundamental to the impact statement.
- (c) Normally be analytic and relevant to the decision to be made.
- (d) Be circulated with the environmental impact statement or be readily available on request.

### **Sec. 1502.19 Circulation of the environmental impact statement.**

Agencies shall circulate the entire draft and final environmental impact statements except for certain appendices as provided in Sec. 1502.18(d) and unchanged statements as provided in Sec. 1503.4(c). However, if the statement is unusually long, the agency may circulate the summary instead, except that the entire statement shall be furnished to:

- (a) Any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, State or local agency authorized to develop and enforce environmental standards.
- (b) The applicant, if any.
- (c) Any person, organization, or agency requesting the entire environmental impact statement.
- (d) In the case of a final environmental impact statement any person, organization, or agency which submitted substantive comments on the draft.

If the agency circulates the summary and thereafter receives a timely request for the entire statement and for additional time to comment,



the time for that requestor only shall be extended by at least 15 days beyond the minimum period.

### **Sec. 1502.20 Tiering.**

Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review (Sec. 1508.28). Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action. The subsequent document shall state where the earlier document is available. Tiering may also be appropriate for different stages of actions. (Section 1508.28).

### **Sec. 1502.21 Incorporation by reference.**

Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference.

### **Sec. 1502.22 Incomplete or unavailable information.**

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.

(a) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.

(b) If the information relevant to reasonably foreseeable

significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the environmental impact statement:

1. A statement that such information is incomplete or unavailable;
2. a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment;
3. a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and
4. the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason.

(c) The amended regulation will be applicable to all environmental impact statements for which a Notice of Intent (40 CFR 1508.22) is published in the Federal Register on or after May 27, 1986. For environmental impact statements in progress, agencies may choose to comply with the requirements of either the original or amended regulation.

[51 FR 15625, Apr. 25, 1986]

### **Sec. 1502.23 Cost-benefit analysis.**

If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. To assess the adequacy of compliance with section 102(2)(B) of the Act the statement shall, when a cost-benefit analysis is prepared, discuss the relationship between that analysis and any analyses of unquantified environmental impacts, values, and amenities. For purposes of complying with the Act, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a

monetary cost-benefit analysis and should not be when there are important qualitative considerations. In any event, an environmental impact statement should at least indicate those considerations, including factors not related to environmental quality, which are likely to be relevant and important to a decision.

#### **Sec. 1502.24 Methodology and scientific accuracy.**

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

#### **Sec. 1502.25 Environmental review and consultation requirements.**

(a) To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other environmental review laws and executive orders.

(b) The draft environmental impact statement shall list all Federal permits, licenses, and other entitlements which must be obtained in implementing the proposal. If it is uncertain whether a Federal permit, license, or other entitlement is necessary, the draft environmental impact statement shall so indicate.

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[Back to Table of Contents](#)

## PART 1503--COMMENTING

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- Sec.    [1503.1 Inviting comments.](#)  
         [1503.2 Duty to comment.](#)  
         [1503.3 Specificity of comments.](#)  
         [1503.4 Response to comments.](#)

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Source: 43 FR 55997, Nov. 29, 1978, unless otherwise noted.

### Sec. 1503.1 Inviting comments.

(a) After preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall:

1. Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.
2. Request the comments of:
  - (i) Appropriate State and local agencies which are authorized to develop and enforce environmental standards;
  - (ii) Indian tribes, when the effects may be on a reservation; and
  - (iii) Any agency which has requested that it receive statements on actions of the kind proposed.

Office of Management and Budget Circular A-95 (Revised), through its system of clearinghouses, provides a means of securing the views of State and local environmental agencies. The clearinghouses may be used, by mutual agreement of the lead agency and the clearinghouse, for securing State and local reviews of the draft environmental impact statements.

3. Request comments from the applicant, if any.
4. Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.

(b) An agency may request comments on a final environmental impact statement before the decision is finally made. In any case other agencies or persons may make comments before the final decision unless a different time is provided under Sec. 1506.10.

### **Sec. 1503.2 Duty to comment.**

Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved and agencies which are authorized to develop and enforce environmental standards shall comment on statements within their jurisdiction, expertise, or authority. Agencies shall comment within the time period specified for comment in Sec. 1506.10. A Federal agency may reply that it has no comment. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should reply that it has no comment.

### **Sec. 1503.3 Specificity of comments.**

- (a) Comments on an environmental impact statement or on a proposed action shall be as specific as possible and may address either the adequacy of the statement or the merits of the alternatives discussed or both.
- (b) When a commenting agency criticizes a lead agency's predictive methodology, the commenting agency should describe the alternative methodology which it prefers and why.
- (c) A cooperating agency shall specify in its comments whether it needs additional information to fulfill other applicable environmental reviews or consultation requirements and what information it needs. In particular, it shall specify any additional information it needs to comment adequately on the draft statement's analysis of significant site-specific effects associated with the granting or approving by that cooperating agency of necessary Federal permits, licenses, or entitlements.
- (d) When a cooperating agency with jurisdiction by law objects to or expresses reservations about the proposal on grounds of environmental impacts, the agency expressing the objection or reservation shall specify the mitigation measures it considers

necessary to allow the agency to grant or approve applicable permit, license, or related requirements or concurrences.

#### **Sec. 1503.4 Response to comments.**

(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

1. Modify alternatives including the proposed action.
2. Develop and evaluate alternatives not previously given serious consideration by the agency.
3. Supplement, improve, or modify its analyses.
4. Make factual corrections.
5. Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

(b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.

(c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a)(4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes and not the final statement need be circulated (Sec. 1502.19). The entire document with a new cover sheet shall be filed as the final statement (Sec. 1506.9).

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[Back to Table of Contents](#)

## PART 1504--PREDECISION REFERRALS TO THE COUNCIL OF PROPOSED FEDERAL ACTIONS DETERMINED TO BE ENVIRONMENTALLY UNSATISFACTORY

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- Sec. [1504.1 Purpose.](#)  
[1504.2 Criteria for referral.](#)  
[1504.3 Procedure for referrals and response.](#)

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Source: 43 FR 55998, Nov. 29, 1978, unless otherwise noted.

### Sec. 1504.1 Purpose.

(a) This part establishes procedures for referring to the Council Federal interagency disagreements concerning proposed major Federal actions that might cause unsatisfactory environmental effects. It provides means for early resolution of such disagreements.

(b) Under section 309 of the Clean Air Act (42 U.S.C. 7609), the Administrator of the Environmental Protection Agency is directed to review and comment publicly on the environmental impacts of Federal activities, including actions for which environmental impact statements are prepared. If after this review the Administrator determines that the matter is "unsatisfactory from the standpoint of public health or welfare or environmental quality," section 309 directs that the matter be referred to the Council (hereafter "environmental referrals").

(c) Under section 102(2)(C) of the Act other Federal agencies may make similar reviews of environmental impact statements, including judgments on the acceptability of anticipated environmental impacts. These reviews must be made available to the President, the Council and the public.

### Sec. 1504.2 Criteria for referral.

Environmental referrals should be made to the Council only after concerted, timely (as early as possible in the process), but unsuccessful attempts to resolve differences with the lead agency. In determining what environmental objections to the matter are appropriate to refer to the Council, an agency should weigh potential adverse environmental impacts, considering:

- (a) Possible violation of national environmental standards or policies.
- (b) Severity.
- (c) Geographical scope.
- (d) Duration.

- (e) Importance as precedents.
- (f) Availability of environmentally preferable alternatives.

### **Sec. 1504.3 Procedure for referrals and response.**

(a) A Federal agency making the referral to the Council shall:

1. Advise the lead agency at the earliest possible time that it intends to refer a matter to the Council unless a satisfactory agreement is reached.
2. Include such advice in the referring agency's comments on the draft environmental impact statement, except when the statement does not contain adequate information to permit an assessment of the matter's environmental acceptability.
3. Identify any essential information that is lacking and request that it be made available at the earliest possible time.
4. Send copies of such advice to the Council.

(b) The referring agency shall deliver its referral to the Council not later than twenty-five (25) days after the final environmental impact statement has been made available to the Environmental Protection Agency, commenting agencies, and the public. Except when an extension of this period has been granted by the lead agency, the Council will not accept a referral after that date.

(c) The referral shall consist of:

1. A copy of the letter signed by the head of the referring agency and delivered to the lead agency informing the lead agency of the referral and the reasons for it, and requesting that no action be taken to implement the matter until the Council acts upon the referral. The letter shall include a copy of the statement referred to in (c)(2) of this section.
2. A statement supported by factual evidence leading to the conclusion that the matter is unsatisfactory from the standpoint of public health or welfare or environmental quality. The statement shall:
  - (i) Identify any material facts in controversy and incorporate (by reference if appropriate) agreed upon facts,
  - (ii) Identify any existing environmental requirements or policies which would be violated by the matter,
  - (iii) Present the reasons why the referring agency believes the matter is environmentally unsatisfactory,
  - (iv) Contain a finding by the agency whether the issue raised is of national importance because of the threat to national environmental resources or policies or for some other reason,
  - (v) Review the steps taken by the referring agency to bring its concerns to the attention of the lead agency at



the earliest possible time, and

(vi) Give the referring agency's recommendations as to what mitigation alternative, further study, or other course of action (including abandonment of the matter) are necessary to remedy the situation.

(d) Not later than twenty-five (25) days after the referral to the Council the lead agency may deliver a response to the Council, and the referring agency. If the lead agency requests more time and gives assurance that the matter will not go forward in the interim, the Council may grant an extension. The response shall:

1. Address fully the issues raised in the referral.
2. Be supported by evidence.
3. Give the lead agency's response to the referring agency's recommendations.

(e) Interested persons (including the applicant) may deliver their views in writing to the Council. Views in support of the referral should be delivered not later than the referral. Views in support of the response shall be delivered not later than the response. (f) Not later than twenty-five (25) days after receipt of both the referral and any response or upon being informed that there will be no response (unless the lead agency agrees to a longer time), the Council may take one or more of the following actions:

1. Conclude that the process of referral and response has successfully resolved the problem.
2. Initiate discussions with the agencies with the objective of mediation with referring and lead agencies.
3. Hold public meetings or hearings to obtain additional views and information.
4. Determine that the issue is not one of national importance and request the referring and lead agencies to pursue their decision process.
5. Determine that the issue should be further negotiated by the referring and lead agencies and is not appropriate for Council consideration until one or more heads of agencies report to the Council that the agencies' disagreements are irreconcilable.
6. Publish its findings and recommendations (including where appropriate a finding that the submitted evidence does not support the position of an agency).
7. When appropriate, submit the referral and the response together with the Council's recommendation to the President for action.

(g) The Council shall take no longer than 60 days to complete the actions specified in paragraph (f)(2), (3), or (5) of this section.

(h) When the referral involves an action required by statute to be

determined on the record after opportunity for agency hearing, the referral shall be conducted in a manner consistent with 5 U.S.C. 557(d) (Administrative Procedure Act).

[43 FR 55998, Nov. 29, 1978; 44 FR 873, Jan. 3, 1979]

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[Back to Table of Contents](#)

## PART 1505--NEPA AND AGENCY DECISIONMAKING

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- Sec.    [1505.1 Agency decisionmaking procedures.](#)  
       [1505.2 Record of decision in cases requiring environmental](#)  
       [impact statements.](#)  
       [1505.3 Implementing the decision.](#)

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Source: 43 FR 55999, Nov. 29, 1978, unless otherwise noted.

### **Sec. 1505.1 Agency decisionmaking procedures.**

Agencies shall adopt procedures (Sec. 1507.3) to ensure that decisions are made in accordance with the policies and purposes of the Act. Such procedures shall include but not be limited to:

- (a) Implementing procedures under section 102(2) to achieve the requirements of sections 101 and 102(1).
- (b) Designating the major decision points for the agency's principal programs likely to have a significant effect on the human environment and assuring that the NEPA process corresponds with them.
- (c) Requiring that relevant environmental documents, comments, and responses be part of the record in formal rulemaking or adjudicatory proceedings.
- (d) Requiring that relevant environmental documents, comments, and responses accompany the proposal through existing agency review processes so that agency officials use the statement in making decisions.
- (e) Requiring that the alternatives considered by the decisionmaker are encompassed by the range of alternatives discussed in the relevant environmental documents and that the decisionmaker consider the alternatives described in the environmental impact statement. If another decision document accompanies the relevant environmental documents to the decisionmaker, agencies are encouraged to make available to the public before the decision is made any part of that document that relates to the comparison of alternatives.

### **Sec. 1505.2 Record of decision in cases requiring environmental impact statements.**

At the time of its decision (Sec. 1506.10) or, if appropriate, its recommendation to Congress, each agency shall prepare a concise public record of decision. The record, which may be integrated into any other record prepared by the agency, including that required by OMB Circular A-95 (Revised), part I, sections 6(c) and (d), and Part II, section 5(b)(4), shall:

(a) State what the decision was.

(b) Identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions. An agency shall identify and discuss all such factors including any essential considerations of national policy which were balanced by the agency in making its decision and state how those considerations entered into its decision.

(c) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation.

### **Sec. 1505.3 Implementing the decision.**

Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation (Sec. 1505.2(c)) and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency. The lead agency shall:

(a) Include appropriate conditions in grants, permits or other approvals.

(b) Condition funding of actions on mitigation.

(c) Upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures which they have proposed and which were adopted by the agency making the decision.

(d) Upon request, make available to the public the results of relevant monitoring.

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[Back to Table of Contents](#)

## PART 1506--OTHER REQUIREMENTS OF NEPA

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- Sec.    [1506.1 Limitations on actions during NEPA process.](#)  
         [1506.2 Elimination of duplication with State and local procedures.](#)  
         [1506.3 Adoption.](#)  
         [1506.4 Combining documents.](#)  
         [1506.5 Agency responsibility.](#)  
         [1506.6 Public involvement.](#)  
         [1506.7 Further guidance.](#)  
         [1506.8 Proposals for legislation.](#)  
         [1506.9 Filing requirements.](#)  
         [1506.10 Timing of agency action.](#)  
         [1506.11 Emergencies.](#)  
         [1506.12 Effective date.](#)

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Source: 43 FR 56000, Nov. 29, 1978, unless otherwise noted.

### **Sec. 1506.1 Limitations on actions during NEPA process.**

(a) Until an agency issues a record of decision as provided in Sec. 1505.2 (except as provided in paragraph (c) of this section), no action concerning the proposal shall be taken which would:

1. Have an adverse environmental impact; or
2. Limit the choice of reasonable alternatives.

(b) If any agency is considering an application from a non-Federal entity, and is aware that the applicant is about to take an action within the agency's jurisdiction that would meet either of the criteria in paragraph (a) of this section, then the agency shall promptly notify the applicant that the agency will take appropriate action to insure that the objectives and procedures of NEPA are achieved.

(c) While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action:

1. Is justified independently of the program;
2. Is itself accompanied by an adequate environmental impact statement;  
and
3. Will not prejudice the ultimate decision on the program. Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.

(d) This section does not preclude development by applicants of plans or designs or performance of other work necessary to support an application

for Federal, State or local permits or assistance. Nothing in this section shall preclude Rural Electrification Administration approval of minimal expenditures not affecting the environment (e.g. long leadtime equipment and purchase options) made by non-governmental entities seeking loan guarantees from the Administration.

#### **Sec. 1506.2 Elimination of duplication with State and local procedures.**

(a) Agencies authorized by law to cooperate with State agencies of statewide jurisdiction pursuant to section 102(2)(D) of the Act may do so.

(b) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for cases covered by paragraph (a) of this section, such cooperation shall to the fullest extent possible include:

1. Joint planning processes.
2. Joint environmental research and studies.
3. Joint public hearings (except where otherwise provided by statute).
4. Joint environmental assessments.

(c) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for cases covered by paragraph (a) of this section, such cooperation shall to the fullest extent possible include joint environmental impact statements. In such cases one or more Federal agencies and one or more State or local agencies shall be joint lead agencies. Where State laws or local ordinances have environmental impact statement requirements in addition to but not in conflict with those in NEPA, Federal agencies shall cooperate in fulfilling these requirements as well as those of Federal laws so that one document will comply with all applicable laws.

(d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.

#### **Sec. 1506.3 Adoption.**

(a) An agency may adopt a Federal draft or final environmental impact statement or portion thereof provided that the statement or portion thereof meets the standards for an adequate statement under these regulations.

(b) If the actions covered by the original environmental impact statement and the proposed action are substantially the same, the agency adopting another agency's statement is not required to

recirculate it except as a final statement. Otherwise the adopting agency shall treat the statement as a draft and recirculate it (except as provided in paragraph (c) of this section).

(c) A cooperating agency may adopt without recirculating the environmental impact statement of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied.

(d) When an agency adopts a statement which is not final within the agency that prepared it, or when the action it assesses is the subject of a referral under Part 1504, or when the statement's adequacy is the subject of a judicial action which is not final, the agency shall so specify.

#### **Sec. 1506.4 Combining documents.**

Any environmental document in compliance with NEPA may be combined with any other agency document to reduce duplication and paperwork.

#### **Sec. 1506.5 Agency responsibility.**

(a) Information. If an agency requires an applicant to submit environmental information for possible use by the agency in preparing an environmental impact statement, then the agency should assist the applicant by outlining the types of information required. The agency shall independently evaluate the information submitted and shall be responsible for its accuracy. If the agency chooses to use the information submitted by the applicant in the environmental impact statement, either directly or by reference, then the names of the persons responsible for the independent evaluation shall be included in the list of preparers (Sec. 1502.17). It is the intent of this paragraph that acceptable work not be redone, but that it be verified by the agency.

(b) Environmental assessments. If an agency permits an applicant to prepare an environmental assessment, the agency, besides fulfilling the requirements of paragraph (a) of this section, shall make its own evaluation of the environmental issues and take responsibility for the scope and content of the environmental assessment.

(c) Environmental impact statements. Except as provided in Secs. 1506.2 and 1506.3 any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by or by a contractor selected by the lead agency or where appropriate under Sec. 1501.6(b), a cooperating agency. It is the intent of these regulations that the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a cooperating agency to avoid any conflict of interest. Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency, specifying that they have no financial or other interest in the outcome of the project. If the document is prepared by contract, the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents. Nothing in this section is intended to prohibit any agency from

requesting any person to submit information to it or to prohibit any person from submitting information to any agency.

#### **Sec. 1506.6 Public involvement.**

Agencies shall:

(a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.

(b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

1. In all cases the agency shall mail notice to those who have requested it on an individual action.
2. In the case of an action with effects of national concern notice shall include publication in the Federal Register and notice by mail to national organizations reasonably expected to be interested in the matter and may include listing in the 102 Monitor. An agency engaged in rulemaking may provide notice by mail to national organizations who have requested that notice regularly be provided. Agencies shall maintain a list of such organizations.
3. In the case of an action with effects primarily of local concern the notice may include:

(i) Notice to State and areawide clearinghouses pursuant to OMB Circular A- 95 (Revised).

(ii) Notice to Indian tribes when effects may occur on reservations.

(iii) Following the affected State's public notice procedures for comparable actions.

(iv) Publication in local newspapers (in papers of general circulation rather than legal papers).

(v) Notice through other local media.

(vi) Notice to potentially interested community organizations including small business associations.

(vii) Publication in newsletters that may be expected to reach potentially interested persons.

(viii) Direct mailing to owners and occupants of nearby or affected property.

(ix) Posting of notice on and off site in the area where the action is to be located.

(c) Hold or sponsor public hearings or public meetings whenever appropriate or in accordance with statutory requirements applicable to the agency. Criteria shall include whether there is:



1. Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.
2. A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. If a draft environmental impact statement is to be considered at a public hearing, the agency should make the statement available to the public at least 15 days in advance (unless the purpose of the hearing is to provide information for the draft environmental impact statement).

(d) Solicit appropriate information from the public.

(e) Explain in its procedures where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process.

(f) Make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Materials to be made available to the public shall be provided to the public without charge to the extent practicable, or at a fee which is not more than the actual costs of reproducing copies required to be sent to other Federal agencies, including the Council.

#### **Sec. 1506.7 Further guidance.**

The Council may provide further guidance concerning NEPA and its procedures including:

- (a) A handbook which the Council may supplement from time to time, which shall in plain language provide guidance and instructions concerning the application of NEPA and these regulations.
- (b) Publication of the Council's Memoranda to Heads of Agencies.
- (c) In conjunction with the Environmental Protection Agency and the publication of the 102 Monitor, notice of:
  1. Research activities;
  2. Meetings and conferences related to NEPA; and
  3. Successful and innovative procedures used by agencies to implement NEPA.

#### **Sec. 1506.8 Proposals for legislation.**

(a) The NEPA process for proposals for legislation (Sec. 1508.17) significantly affecting the quality of the human environment shall be integrated with the legislative process of the Congress. A legislative environmental impact statement is the detailed statement required by law to be included in a recommendation or report on a legislative proposal to Congress. A legislative environmental impact statement

shall be considered part of the formal transmittal of a legislative proposal to Congress; however, it may be transmitted to Congress up to 30 days later in order to allow time for completion of an accurate statement which can serve as the basis for public and Congressional debate. The statement must be available in time for Congressional hearings and deliberations.

(b) Preparation of a legislative environmental impact statement shall conform to the requirements of these regulations except as follows:

1. There need not be a scoping process.
2. The legislative statement shall be prepared in the same manner as a draft statement, but shall be considered the "detailed statement" required by statute; Provided, That when any of the following conditions exist both the draft and final environmental impact statement on the legislative proposal shall be prepared and circulated as provided by Secs. 1503.1 and 1506.10.
  - (i) A Congressional Committee with jurisdiction over the proposal has a rule requiring both draft and final environmental impact statements.
  - (ii) The proposal results from a study process required by statute (such as those required by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) and the Wilderness Act (16 U.S.C. 1131 et seq.)).
  - (iii) Legislative approval is sought for Federal or federally assisted construction or other projects which the agency recommends be located at specific geographic locations. For proposals requiring an environmental impact statement for the acquisition of space by the General Services Administration, a draft statement shall accompany the Prospectus or the 11(b) Report of Building Project Surveys to the Congress, and a final statement shall be completed before site acquisition.
  - (iv) The agency decides to prepare draft and final statements.

(c) Comments on the legislative statement shall be given to the lead agency which shall forward them along with its own responses to the Congressional committees with jurisdiction.

#### **Sec. 1506.9 Filing requirements.**

Environmental impact statements together with comments and responses shall be filed with the Environmental Protection Agency, attention Office of Federal Activities (A-104), 401 M Street SW., Washington, DC 20460. Statements shall be filed with EPA no earlier than they are also transmitted to commenting agencies and made available to the public. EPA shall deliver one copy of each statement to the Council, which shall satisfy the requirement of availability to the President. EPA may issue guidelines to agencies to implement its responsibilities under this section and Sec. 1506.10.

#### **Sec. 1506.10 Timing of agency action.**

(a) The Environmental Protection Agency shall publish a notice in the Federal Register each week of the environmental impact statements filed during the preceding week. The minimum time periods set forth in this section shall be calculated from the date of publication of this notice.

(b) No decision on the proposed action shall be made or recorded under Sec. 1505.2 by a Federal agency until the later of the following dates:

1. Ninety (90) days after publication of the notice described above in paragraph (a) of this section for a draft environmental impact statement.
2. Thirty (30) days after publication of the notice described above in paragraph (a) of this section for a final environmental impact statement. An exception to the rules on timing may be made in the case of an agency decision which is subject to a formal internal appeal. Some agencies have a formally established appeal process which allows other agencies or the public to take appeals on a decision and make their views known, after publication of the final environmental impact statement. In such cases, where a real opportunity exists to alter the decision, the decision may be made and recorded at the same time the environmental impact statement is published.

This means that the period for appeal of the decision and the 30-day period prescribed in paragraph (b)(2) of this section may run concurrently. In such cases the environmental impact statement shall explain the timing and the public's right of appeal. An agency engaged in rulemaking under the Administrative Procedure Act or other statute for the purpose of protecting the public health or safety, may waive the time period in paragraph (b)(2) of this section and publish a decision on the final rule simultaneously with publication of the notice of the availability of the final environmental impact statement as described in paragraph (a) of this section.

(c) If the final environmental impact statement is filed within ninety (90) days after a draft environmental impact statement is filed with the Environmental Protection Agency, the minimum thirty (30) day period and the minimum ninety (90) day period may run concurrently. However, subject to paragraph (d) of this section agencies shall allow not less than 45 days for comments on draft statements.

(d) The lead agency may extend prescribed periods. The Environmental Protection Agency may upon a showing by the lead agency of compelling reasons of national policy reduce the prescribed periods and may upon a showing by any other Federal agency of compelling reasons of national policy also extend prescribed periods, but only after consultation with the lead agency. (Also see Sec. 1507.3(d).) Failure to file timely comments shall not be a sufficient reason for extending a period. If the lead agency does not concur with the extension of time, EPA may not extend it for more than 30 days. When the Environmental Protection Agency reduces or extends any period of time it shall notify the Council.

[43 FR 56000, Nov. 29, 1978; 44 FR 874, Jan. 3, 1979]

#### **Sec. 1506.11 Emergencies.**

Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the Federal agency taking the action should consult with the Council about alternative arrangements. Agencies and the Council will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review.

#### **Sec. 1506.12 Effective date.**

The effective date of these regulations is July 30, 1979, except that for agencies that administer programs that qualify under section 102(2)(D) of the Act or under section 104(h) of the Housing and Community Development Act of 1974 an additional four months shall be allowed for the State or local agencies to adopt their implementing procedures.

(a) These regulations shall apply to the fullest extent practicable to ongoing activities and environmental documents begun before the effective date. These regulations do not apply to an environmental impact statement or supplement if the draft statement was filed before the effective date of these regulations. No completed environmental documents need be redone by reasons of these regulations. Until these regulations are applicable, the Council's guidelines published in the Federal Register of August 1, 1973, shall continue to be applicable. In cases where these regulations are applicable the guidelines are superseded. However, nothing shall prevent an agency from proceeding under these regulations at an earlier time.

(b) NEPA shall continue to be applicable to actions begun before January 1, 1970, to the fullest extent possible.

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[Back to Table of Contents](#)

## PART 1507--AGENCY COMPLIANCE

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Sec. [1507.1 Compliance.](#)  
[1507.2 Agency capability to comply.](#)  
[1507.3 Agency procedures.](#)

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Source: 43 FR 56002, Nov. 29, 1978, unless otherwise noted.

### **Sec. 1507.1 Compliance.**

All agencies of the Federal Government shall comply with these regulations. It is the intent of these regulations to allow each agency flexibility in adapting its implementing procedures authorized by Sec. 1507.3 to the requirements of other applicable laws.

### **Sec. 1507.2 Agency capability to comply.**

Each agency shall be capable (in terms of personnel and other resources) of complying with the requirements enumerated below. Such compliance may include use of other's resources, but the using agency shall itself have sufficient capability to evaluate what others do for it. Agencies shall:

- (a) Fulfill the requirements of section 102(2)(A) of the Act to utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on the human environment. Agencies shall designate a person to be responsible for overall review of agency NEPA compliance.
- (b) Identify methods and procedures required by section 102(2)(B) to insure that presently unquantified environmental amenities and values may be given appropriate consideration.
- (c) Prepare adequate environmental impact statements pursuant to section 102(2)(C) and comment on statements in the areas where the agency has jurisdiction by law or special expertise or is authorized to develop and enforce environmental standards.
- (d) Study, develop, and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. This requirement of section 102(2)(E) extends to all such proposals, not just the more limited scope of section 102(2)(C)(iii) where the discussion of alternatives is confined to impact statements.
- (e) Comply with the requirements of section 102(2)(H) that the agency initiate and utilize ecological information in the planning and development of resource-oriented projects.

(f) Fulfill the requirements of sections 102(2)(F), 102(2)(G), and 102(2)(I), of the Act and of Executive Order 11514, Protection and Enhancement of Environmental Quality, Sec. 2.

### **Sec. 1507.3 Agency procedures.**

(a) Not later than eight months after publication of these regulations as finally adopted in the Federal Register, or five months after the establishment of an agency, whichever shall come later, each agency shall as necessary adopt procedures to supplement these regulations. When the agency is a department, major subunits are encouraged (with the consent of the department) to adopt their own procedures. Such procedures shall not paraphrase these regulations. They shall confine themselves to implementing procedures. Each agency shall consult with the Council while developing its procedures and before publishing them in the Federal Register for comment. Agencies with similar programs should consult with each other and the Council to coordinate their procedures, especially for programs requesting similar information from applicants. The procedures shall be adopted only after an opportunity for public review and after review by the Council for conformity with the Act and these regulations. The Council shall complete its review within 30 days. Once in effect they shall be filed with the Council and made readily available to the public. Agencies are encouraged to publish explanatory guidance for these regulations and their own procedures. Agencies shall continue to review their policies and procedures and in consultation with the Council to revise them as necessary to ensure full compliance with the purposes and provisions of the Act.

(b) Agency procedures shall comply with these regulations except where compliance would be inconsistent with statutory requirements and shall include:

1. Those procedures required by Secs. 1501.2(d), 1502.9(c)(3), 1505.1, 1506.6(e), and 1508.4.
2. Specific criteria for and identification of those typical classes of action:
  - (i) Which normally do require environmental impact statements.
  - (ii) Which normally do not require either an environmental impact statement or an environmental assessment (categorical exclusions (Sec. 1508.4)).
  - (iii) Which normally require environmental assessments but not necessarily environmental impact statements.

(c) Agency procedures may include specific criteria for providing limited exceptions to the provisions of these regulations for classified proposals. They are proposed actions which are specifically authorized under criteria established by an Executive Order or statute to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order or statute. Environmental assessments and environmental impact statements which address classified proposals may be safeguarded and restricted from public dissemination in accordance

with agencies' own regulations applicable to classified information. These documents may be organized so that classified portions can be included as annexes, in order that the unclassified portions can be made available to the public.

(d) Agency procedures may provide for periods of time other than those presented in Sec. 1506.10 when necessary to comply with other specific statutory requirements.

(e) Agency procedures may provide that where there is a lengthy period between the agency's decision to prepare an environmental impact statement and the time of actual preparation, the notice of intent required by Sec. 1501.7 may be published at a reasonable time in advance of preparation of the draft statement.

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[Back to Table of Contents](#)

## PART 1508--TERMINOLOGY AND INDEX

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Sec.	<a href="#">1508.1 Terminology.</a>
	<a href="#">1508.2 Act.</a>
	<a href="#">1508.3 Affecting.</a>
	<a href="#">1508.4 Categorical exclusion.</a>
	<a href="#">1508.5 Cooperating agency.</a>
	<a href="#">1508.6 Council.</a>
	<a href="#">1508.7 Cumulative impact.</a>
	<a href="#">1508.8 Effects.</a>
	<a href="#">1508.9 Environmental assessment.</a>
	<a href="#">1508.10 Environmental document.</a>
	<a href="#">1508.11 Environmental impact statement.</a>
	<a href="#">1508.12 Federal agency.</a>
	<a href="#">1508.13 Finding of no significant impact.</a>
	<a href="#">1508.14 Human environment.</a>
	<a href="#">1508.15 Jurisdiction by law.</a>
	<a href="#">1508.16 Lead agency.</a>
	<a href="#">1508.17 Legislation.</a>
	<a href="#">1508.18 Major Federal action.</a>
	<a href="#">1508.19 Matter.</a>
	<a href="#">1508.20 Mitigation.</a>
	<a href="#">1508.21 NEPA process.</a>
	<a href="#">1508.22 Notice of intent.</a>
	<a href="#">1508.23 Proposal.</a>
	<a href="#">1508.24 Referring agency.</a>
	<a href="#">1508.25 Scope.</a>
	<a href="#">1508.26 Special expertise.</a>
	<a href="#">1508.27 Significantly.</a>
	<a href="#">1508.28 Tiering.</a>

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Source: 43 FR 56003, Nov. 29, 1978, unless otherwise noted.

### **Sec. 1508.1 Terminology.**

The terminology of this part shall be uniform throughout the Federal Government.

### **Sec. 1508.2 Act.**

"Act" means the National Environmental Policy Act, as amended (42 U.S.C. 4321, et seq.) which is also referred to as "NEPA."

### **Sec. 1508.3 Affecting.**

"Affecting" means will or may have an effect on.

### **Sec. 1508.4 Categorical exclusion.**



"Categorical exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations (Sec. 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedures or otherwise, to prepare environmental assessments for the reasons stated in Sec. 1508.9 even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.

#### **Sec. 1508.5 Cooperating agency.**

"Cooperating agency" means any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. The selection and responsibilities of a cooperating agency are described in Sec. 1501.6. A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency.

#### **Sec. 1508.6 Council.**

"Council" means the Council on Environmental Quality established by Title II of the Act.

#### **Sec. 1508.7 Cumulative impact.**

"Cumulative impact" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

#### **Sec. 1508.8 Effects.**

"Effects" include:

(a) Direct effects, which are caused by the action and occur at the same time and place.

(b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic,

historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

#### **Sec. 1508.9 Environmental assessment.**

"Environmental assessment":

(a) Means a concise public document for which a Federal agency is responsible that serves to:

1. Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.
2. Aid an agency's compliance with the Act when no environmental impact statement is necessary.
3. Facilitate preparation of a statement when one is necessary.

(b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

#### **Sec. 1508.10 Environmental document.**

"Environmental document" includes the documents specified in Sec. 1508.9 (environmental assessment), Sec. 1508.11 (environmental impact statement), Sec. 1508.13 (finding of no significant impact), and Sec. 1508.22 (notice of intent).

#### **Sec. 1508.11 Environmental impact statement.**

"Environmental impact statement" means a detailed written statement as required by section 102(2)(C) of the Act.

#### **Sec. 1508.12 Federal agency.**

"Federal agency" means all agencies of the Federal Government. It does not mean the Congress, the Judiciary, or the President, including the performance of staff functions for the President in his Executive Office. It also includes for purposes of these regulations States and units of general local government and Indian tribes assuming NEPA responsibilities under section 104(h) of the Housing and Community Development Act of 1974.

#### **Sec. 1508.13 Finding of no significant impact.**

"Finding of no significant impact" means a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (Sec. 1508.4), will not have a significant effect on the human environment and for

which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (Sec. 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference.

#### **Sec. 1508.14 Human environment.**

"Human environment" shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. (See the definition of "effects" (Sec. 1508.8).) This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

#### **Sec. 1508.15 Jurisdiction by law.**

"Jurisdiction by law" means agency authority to approve, veto, or finance all or part of the proposal.

#### **Sec. 1508.16 Lead agency.**

"Lead agency" means the agency or agencies preparing or having taken primary responsibility for preparing the environmental impact statement.

#### **Sec. 1508.17 Legislation.**

"Legislation" includes a bill or legislative proposal to Congress developed by or with the significant cooperation and support of a Federal agency, but does not include requests for appropriations. The test for significant cooperation is whether the proposal is in fact predominantly that of the agency rather than another source. Drafting does not by itself constitute significant cooperation. Proposals for legislation include requests for ratification of treaties. Only the agency which has primary responsibility for the subject matter involved will prepare a legislative environmental impact statement.

#### **Sec. 1508.18 Major Federal action.**

"Major Federal action" includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (Sec. 1508.27). Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as agency action.

(a) Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative

proposals (Secs. 1506.8, 1508.17). Actions do not include funding assistance solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq., with no Federal agency control over the subsequent use of such funds. Actions do not include bringing judicial or administrative civil or criminal enforcement actions.

(b) Federal actions tend to fall within one of the following categories:

1. Adoption of official policy, such as rules, regulations, and interpretations adopted pursuant to the Administrative Procedure Act, 5 U.S.C. 551 et seq.; treaties and international conventions or agreements; formal documents establishing an agency's policies which will result in or substantially alter agency programs.
2. Adoption of formal plans, such as official documents prepared or approved by federal agencies which guide or prescribe alternative uses of Federal resources, upon which future agency actions will be based.
3. Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive.
4. Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as federal and federally assisted activities.

#### **Sec. 1508.19 Matter.**

"Matter" includes for purposes of Part 1504: (a) With respect to the Environmental Protection Agency, any proposed legislation, project, action or regulation as those terms are used in section 309(a) of the Clean Air Act (42 U.S.C. 7609). (b) With respect to all other agencies, any proposed major federal action to which section 102(2)(C) of NEPA applies.

#### **Sec. 1508.20 Mitigation.**

"Mitigation" includes:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

- (e) Compensating for the impact by replacing or providing substitute resources or environments.

**Sec. 1508.21 NEPA process.**

"NEPA process" means all measures necessary for compliance with the requirements of section 2 and Title I of NEPA.

**Sec. 1508.22 Notice of intent.**

"Notice of intent" means a notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

- (a) Describe the proposed action and possible alternatives.
- (b) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held.
- (c) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement.

**Sec. 1508.23 Proposal.**

"Proposal" exists at that stage in the development of an action when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. Preparation of an environmental impact statement on a proposal should be timed (Sec. 1502.5) so that the final statement may be completed in time for the statement to be included in any recommendation or report on the proposal. A proposal may exist in fact as well as by agency declaration that one exists.

**Sec. 1508.24 Referring agency.**

"Referring agency" means the federal agency which has referred any matter to the Council after a determination that the matter is unsatisfactory from the standpoint of public health or welfare or environmental quality.

**Sec. 1508.25 Scope.**

Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (Secs. 1502.20 and 1508.28). To determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:

- (a) Actions (other than unconnected single actions) which may be:
  - 1. Connected actions, which means that they are closely related and therefore should be discussed in the same impact

statement. Actions are connected if they:

- (i) Automatically trigger other actions which may require environmental impact statements.
  - (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.
  - (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.
2. Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.
  3. Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

(b) Alternatives, which include:

1. No action alternative.
2. Other reasonable courses of actions.
3. Mitigation measures (not in the proposed action).

(c) Impacts, which may be: (1) Direct; (2) indirect; (3) cumulative.

#### **Sec. 1508.26 Special expertise.**

"Special expertise" means statutory responsibility, agency mission, or related program experience.

#### **Sec. 1508.27 Significantly.**

"Significantly" as used in NEPA requires considerations of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
2. The degree to which the proposed action affects public health or safety.
3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

[43 FR 56003, Nov. 29, 1978; 44 FR 874, Jan. 3, 1979]

#### **Sec. 1508.28 Tiering.**

"Tiering" refers to the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or

analyses is:

(a) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site- specific statement or analysis.

(b) From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

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[Back to Table of Contents](#)



FISH AND WILDLIFE SERVICE  
NEPA PROCESS FLOWCHART-PHASE 2

EIS Required

↓  
Issue Notice of Intent (40 CFR 1501.7)

↓  
Commence Scoping Process (40 CFR 1501.7)

↓  
Prepare Preliminary DEIS (Reiterate above process in written detail (40 CFR 1502))

↓  
Review of preliminary DEIS

↓  
Prepare DEIS

↓  
File DEIS with EPA (40 CFR 1506.9) and distribute DEIS (concurrent distribution to other agencies, public, WO, and DOI). Minimum 90 days to decision

↓  
DEIS Review Period, minimum 60 day formal review period (40 CFR 1506.10, 516 DM 4.24), and public meeting, if deemed appropriate (40 CFR 1506.6) (516 DM 4.25).

EA Required

↓  
Prepare EA (Reiterate above process in writing) (40 CFR 1508.9)

↓  
Distribute EA for Review and Comment (if deemed appropriate) (Section 1506.6)

↓  
Finalize EA

↓  
Determine if the Preferred Alternative Constitutes a Major Federal Action Significantly Affecting the Quality of the Human Environment (40 CFR 1508.18 & 1508.27)

↙  
EIS Required  
(Follow Procedures in adjacent column)

↘  
EIS Not Required  
Prepare FONSI  
(40 CFR 1508.13)

↓  
Initiate Action

Respond to Comments on DEIS  
(40 CFR 1503.4) and Prepare  
Preliminary FEIS



Review of Preliminary FEIS



Prepare FEIS



File FEIS with EPA (40 CFR 1506.9)  
and distribute FEIS (concurrent  
distribution to other agencies,  
public, WO, and DOI). Minimum  
30 days to decision (40 CFR 1506.10)



Make Decision and Prepare Record  
of Decision (40 CFR 1505.2)



Implement Action 30 Days After  
Notifying Public

## FORMAT FOR FWS ENVIRONMENTAL ASSESSMENTS

The EA should be brief and to the point (usually 15 pages or less) and will follow the format shown below.

## 1. COVER SHEET

Give a descriptive title for the proposed action, what unit of the FWS is proposing it, what legal mandate it will be carried out under, where the action is located, and who authored the document.

## 2. PURPOSE AND NEED FOR ACTION

The need must be defined clearly and care taken to be sure that the subsequent analysis addresses underlying causes, not just symptoms. The relationship of identified FWS goals and objectives to the purpose and need for action should be made clear in this section.

## 3. ALTERNATIVES INCLUDING THE PROPOSED ACTION

The practicable alternatives, including the proposed action and the "no action" alternative must be included in the EA. The alternatives should be described in sufficient detail to permit the comparison of their merits, especially if their impacts vary (e.g. in kind, location, intensity, or duration). A matrix comparing the general consequences and impacts of each alternative is recommended. Alternatives suggested and dismissed as impractical or not feasible should be discussed only briefly.

## 4. AFFECTED ENVIRONMENT

Succinctly describe the area in which the proposed action is to occur. Page-sized maps of the general area and the project site are required for site-specific proposals. Carefully selected photographs can be helpful in some cases. Particular mention should be made of the presence (or absence) of any endangered or threatened species, cultural resources (historical, architectural, or archaeological sites), and wetlands and floodplains. Description of the environment should be limited to two or three pages.

## 5. ENVIRONMENTAL CONSEQUENCES

Effects should be identified and briefly analyzed without passing judgment as to their being beneficial or adverse. The effects upon those environmental features of special legal or policy significance should be highlighted. Such features would include: threatened or endangered species or critical habitats, wetlands, 100-year floodplains, cultural resources, or specially designated areas (e.g., research natural areas or wilderness areas).

6. CONSULTATION AND COORDINATION WITH OTHERS

Include a record of contacts made in an effort to consult and coordinate with others early in the planning process in order to identify effects of the proposal and practicable alternatives.

ITEMS TO BE CONSIDERED IN ENVIRONMENTAL ASSESSMENT

## PHYSICAL CONSIDERATIONS

## A. Meteorology

1. Climate
2. Air Quality

## B. Topography

1. Relief
2. Cuts/Fills

## C. Geology

1. Earthquake/Landslide
2. Minerals
3. Energy Resource Depletion/Conservation
4. Radioactive & Toxic Substances/Heavy Metals

## D. Soils

1. Erosion/Deposition
2. Siltation
3. Soil Quality

## E. Hydrology

1. Surface & Ground Water Quality/Quantity
2. Absorption/Drainage
3. Flooding
4. Hydro/Geothermal Energy Source

## BIOLOGICAL CONSIDERATIONS

## A. Vegetation

1. Species of Special Concern
2. Critical Wildlife Habitat
3. Species Diversity/Abundance
4. Noxious Weeds/Exotic Plants/Pathogens

## B. Wildlife

1. Species of Special Concern
2. Species Diversity/Abundance
3. Game/Non-Game Species
4. Pests/Pathogens/Vectors/Predators/Feral or Exotic Animals

## SOCIAL CONSIDERATIONS

## A. Cultural

1. Archaeologic/Historic Sites
2. Educational/Recreational Opportunities
3. Public Access

## B. Economic

1. Cost
2. Employment
3. Commercial/Industrial Buildings
4. Taxes/Property Values

## C. Land Use

1. Plans/Policies/Controls
2. Development/Growth
3. Farmland/Open Space, Natural Areas
4. Transportation Facilities/Public Utilities

## D. Social

1. Quality of Life
2. Community Cohesion
3. Residents/Residences
4. Population Change
5. Human Health/Safety
6. Public Services
7. National Defense

## E. Aesthetics

1. Scenery
2. Noise
3. Odor

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

December 6, 2006

**DISCUSSION: STATUS OF UNCONSTRUCTED PROJECTS**

## Creel, Travis J MVN-Contractor

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**To:** LeBlanc, Julie Z MVN  
**Subject:** RE: Draft agenda for the Dec 6, 2006 Technical Committee Meeting (UNCLASSIFIED)

-----Original Message-----

From: LeBlanc, Julie Z MVN  
Sent: Wednesday, November 29, 2006 7:52 PM  
To: 'Amelia\_vincent@ursCorp.com'; 'betty.jones@la.usda.gov'; Hicks, Billy J MVN; 'britt.paul@la.usda.gov'; 'charles.Killebrew@LA.GOV'; 'cheryl.walters@la.usda.gov'; 'chrisk@dnr.state.la.us'; 'comvss@lsu.edu'; 'daniel.llewellyn@la.gov'; 'darryl\_clark@fws.gov'; 'deetra.washington@gov.state.la.us'; 'diane.smith@la.gov'; 'edh@dnr.state.la.us'; 'erik.zobrist@noaa.gov'; 'gabrielle\_bodin@usgs.gov'; Browning, Gay B MVN; 'gerryd@dnr.state.la.us'; Breerwood, Gregory E MVN; 'gsteyer@usgs.gov'; 'honorab@dnr.state.la.us'; 'jimmy\_johnston@usgs.gov'; Petitbon, John B MVN; 'john.jurgensen@la.usda.gov'; 'jonathan.porthouse@la.gov'; 'Karim Belhadjali [karimb@dnr.state.la.us]'; 'kevin\_roy@fws.gov'; 'kirk.rhinehart@la.gov'; 'kirk@dnr.state.la.us'; 'Landers.Timothy@epamail.epa.gov'; 'parrish.sharon@epa.gov'; 'pat.forbes@GOV.STATE.LA.US'; 'quin.kinler@la.usda.gov'; 'rachel.sweeney@noaa.gov'; 'randyh@dnr.state.la.us'; 'richard.hartman@noaa.gov'; 'rickr@dnr.state.la.us'; 'russell\_watson@fws.gov'; 'scott\_wilson@usgs.gov'; Hawes, Suzanne R MVN; 'Taylor.Patricia-A@epamail.epa.gov'; Podany, Thomas J MVN; 'tom\_denes@URSCorp.com'; Creel, Travis J MVN-Contractor; Unger, Audrey C MVN-Contractor; 'finley\_h@wlf.state.la.us'; Rauber, Gary W MVN; Miller, Gregory B MVN; 'jonathanp@dnr.state.la.us'; Goodman, Melanie L MVN; 'ruiz\_mj@wlf.state.la.us'; Browning, Gay B MVN; Goodman, Melanie L MVN; Constance, Troy G MVN; Martinez, Wanda R MVN; Rauber, Gary W MVN; Miller, Gregory B MVN; Hennington, Susan M MVN; Lachney, Fay V MVN; Hawes, Suzanne R MVN; Browning, Gay B MVN; Goodman, Melanie L MVN; Constance, Troy G MVN; Martinez, Wanda R MVN; !Ambiguous Address - DONOT USE  
Subject: RE: Draft agenda for the Dec 6, 2006 Technical Committee Meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

CWPPRA Technical Committee:

Ms. Gay Browning has brought up an item that the Corps would like to discuss further under the "Status of Unconstructed Projects" agenda item. There are two projects that have been approved for Phase II funding, started construction on ONE of TWO construction units, and are awaiting construction start on the 2nd construction unit under the project:

North Lake Mechant (CU2) - Phase II approval for CU2 is 13 Oct 04 Barataria Barrier Island (CU2) - Phase II approval for entire project is 28 Jan 04

While these projects WERE included on the list of "delayed projects", the sponsoring agency requested that they NOT be included on the list of projects to be discussed during the meeting. The Corps would like to include these projects for discussion.

While the SOP may lend itself to various interpretations, Section 6.j.(4) states: "If construction award has not occurred within 2 years of Phase 2 approval, the Phase 2 funds will be placed on a revocation list for consideration by the Task Force at the next Task Force meeting." Even though one contract has been awarded on each of these projects, there still remains one contract that has not been awarded (within 2 years of Phase II approval). While these projects may meet the letter of the SOP and may not appear to be delayed because they show a "construction start" date, there has been a delay of at least 2 years on at least a portion of each of the projects. The Corps believes this warrants discussion. The Corps would also like to consider whether these 2 projects will need to officially ask for an extension of the 2 year requirement (for recommendation by the Technical Committee and final decision by the Task Force).

This also brings up an entirely different topic of how we track projects with multiple

construction units. The Corps contends that if a project is going to have more than one construction contract awarded, it really should be tracked as two separate projects. This may not have been the intent with Barataria Barrier Island since I believe that the initial intent was to construct the repair of both islands with one contract; however, North Lake Mechant received funding approval at two different times (CU1 was approved for Phase II on 7 Aug 02 and CU2 was approved for Phase II on 13 Oct 04). The Corps recommends tracking single projects with multiple construction units as separate projects. This is more efficient and effective for tracking funding and start and completion dates.

Comments?

Julie Z. LeBlanc  
U. S. Army Corps of Engineers  
(504) 862-1597



## Creel, Travis J MVN-Contractor

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**From:** LeBlanc, Julie Z MVN  
**Sent:** Tuesday, November 28, 2006 7:04 PM  
**To:** 'Amelia\_vincent@ursCorp.com'; 'betty.jones@la.usda.gov'; Hicks, Billy J MVN; 'britt.paul@la.usda.gov'; 'charles.Killebrew@LA.GOV'; 'cheryl.walters@la.usda.gov'; 'chrisk@dnr.state.la.us'; 'comvss@lsu.edu'; 'daniel.llewellyn@la.gov'; 'darryl\_clark@fws.gov'; 'deetra.washington@gov.state.la.us'; 'diane.smith@la.gov'; 'edh@dnr.state.la.us'; 'erik.zobrist@noaa.gov'; 'gabrielle\_bodin@usgs.gov'; Browning, Gay B MVN; 'gerryd@dnr.state.la.us'; Breerwood, Gregory E MVN; 'gsteyer@usgs.gov'; 'honorab@dnr.state.la.us'; 'jimmy\_johnston@usgs.gov'; Petitbon, John B MVN; 'john.jurgensen@la.usda.gov'; 'jonathan.porthouse@la.gov'; 'Karim Belhadjali [karimb@dnr.state.la.us]'; 'kevin\_roy@fws.gov'; 'kirk.rhinehart@la.gov'; 'kirk@dnr.state.la.us'; 'Landers.Timothy@epamail.epa.gov'; 'parrish.sharon@epa.gov'; 'pat.forbes@GOV.STATE.LA.US'; 'quin.kinler@la.usda.gov'; 'rachel.sweeney@noaa.gov'; 'randyh@dnr.state.la.us'; 'richard.hartman@noaa.gov'; 'rickr@dnr.state.la.us'; 'russell\_watson@fws.gov'; 'scott\_wilson@usgs.gov'; Hawes, Suzanne R MVN; 'Taylor.Patricia-A@epamail.epa.gov'; Podany, Thomas J MVN; 'tom\_denes@URSCorp.com'; Creel, Travis J MVN-Contractor; Unger, Audrey C MVN-Contractor; 'finley\_h@wlf.state.la.us'; Rauber, Gary W MVN; Miller, Gregory B MVN; 'jonathanp@dnr.state.la.us'; Goodman, Melanie L MVN; 'ruiz\_mj@wlf.state.la.us'; Browning, Gay B MVN; Goodman, Melanie L MVN; Constance, Troy G MVN; Martinez, Wanda R MVN; Rauber, Gary W MVN; Miller, Gregory B MVN; Hennington, Susan M MVN; Lachney, Fay V MVN; Hawes, Suzanne R MVN; Browning, Gay B MVN; Goodman, Melanie L MVN; Constance, Troy G MVN; Martinez, Wanda R MVN; !Ambiguous Address - DONOT USE  
**Subject:** RE: Draft agenda for the Dec 6, 2006 Technical Committee Meeting  
**Attachments:** 6Dec06TC-DelayedProjectDiscussion-updated28Nov06.xls



6Dec06TC-Delayed  
ProjectDiscuss...

Technical Committee:

Thanks to all agencies for providing feedback on the status of your unconstructed projects (Agenda Item #7). I've incorporated the agency comments into the "delayed project" spreadsheet (attached). This spreadsheet can be used for the committee's discussion of this agenda item on Wednesday. There are about 19 project remaining on the list "to be discussed". I've left the remaining projects in the spreadsheet in case anyone had questions on any projects that agencies indicated are not delayed.

I will mention that I noted quite a few outdated completion dates in the database. Agencies are reminded to keep the database up-to-date. Once a completion date is past, an asterisk (\*) will show up adjacent to the date. This is a red flag that a milestone has been missed. There are quite a few completion dates that I edited by hand in this spreadsheet (shown in bold and noted as "updated"). Agencies MUST make these changes in the database.

This spreadsheet will be included in the Technical Committee binder.

Julie Z. LeBlanc  
U. S. Army Corps of Engineers  
(504) 862-1597

-----Original Message-----

**From:** LeBlanc, Julie Z MVN  
**Sent:** Saturday, November 11, 2006 3:27 PM  
**To:** 'Amelia\_vincent@ursCorp.com'; 'betty.jones@la.usda.gov'; Hicks, Billy J MVN; 'britt.paul@la.usda.gov'; 'charles.Killebrew@LA.GOV'; 'cheryl.walters@la.usda.gov'; 'chrisk@dnr.state.la.us'; 'comvss@lsu.edu'; 'daniel.llewellyn@la.gov'; 'darryl\_clark@fws.gov'; 'deetra.washington@gov.state.la.us'; 'diane.smith@la.gov';

'edh@dnr.state.la.us'; 'erik.zobrist@noaa.gov'; 'gabrielle\_bodin@usgs.gov'; Browning, Gay B MVN; 'gerryd@dnr.state.la.us'; Breerwood, Gregory E MVN; 'gsteyer@usgs.gov'; 'honorab@dnr.state.la.us'; 'jimmy\_johnston@usgs.gov'; Petitbon, John B MVN; 'john.jurgensen@la.usda.gov'; 'jonathan.porthouse@la.gov'; 'Karim Belhadjali [karimb@dnr.state.la.us]'; 'kevin\_roy@fws.gov'; 'kirk.rhinehart@la.gov'; 'kirk@dnr.state.la.us'; 'Landers.Timothy@epamail.epa.gov'; 'parrish.sharon@epa.gov'; 'pat.forbes@GOV.STATE.LA.US'; 'quin.kinler@la.usda.gov'; 'rachel.sweeney@noaa.gov'; 'randyh@dnr.state.la.us'; 'richard.hartman@noaa.gov'; 'rickr@dnr.state.la.us'; 'russell\_watson@fws.gov'; 'scott\_wilson@usgs.gov'; Hawes, Suzanne R MVN; 'Taylor.Patricia-A@epamail.epa.gov'; Podany, Thomas J MVN; 'tom\_denes@URSCorp.com'; Creel, Travis J MVN-Contractor; Unger, Audrey C MVN-Contractor; 'finley\_h@wlf.state.la.us'; Rauber, Gary W MVN; Miller, Gregory B MVN; 'jonathanp@dnr.state.la.us'; Goodman, Melanie L MVN; 'ruiz\_mj@wlf.state.la.us'; Browning, Gay B MVN; Goodman, Melanie L MVN; Constance, Troy G MVN; Martinez, Wanda R MVN; Gary Rauber; Gregory Miller; Hennington, Susan M MVN; Lachney, Fay V MVN; Suzanne Hawes; Gay Browning; Melanie Goodman; Troy Constance; Wanda Martinez; ! Ambiguous Address - DONOT USE

Subject: Draft agenda for the Dec 6, 2006 Technical Committee Meeting

Technical Committee/P&E Subcommittee:

In support of upcoming Technical Committee meeting Agenda Item #5 "Discussion: Status of Un-constructed Projects" the Corps has compiled a preliminary spreadsheet to support this Task Force-requested discussion item. The purpose of this agenda item is to discuss the status of CWPRPA projects that may be experiencing delays (and to recommend potential solutions). In putting together the spreadsheet the following criteria were used to decide if a project should/should not be on this preliminary list. Those criteria were:

1. Complex projects not yet approved for Phase I funding should be included.
2. PPL1-8 projects without a construction completion date should be included.
3. De-authorized projects should not be included.
4. PPLs 13-16 projects should not be included (PPL13 projects were approved in January 2004 - less than 3 years ago, PPLs 14-16 were approved in 2005 and 2006).
5. Projects requesting Phase II funding in Dec 06/Jan 07 should not be included.
6. Projects with an "\*" in the construction complete column (meaning the project construction end date has past) should be included to capture any projects that are experiencing delays during construction.

I will note again that this list is a preliminary list of projects, or starting place, for the agencies to begin the Technical Committee discussion via email prior to the meeting on Dec 6th. There are 49 projects on the list so it will need to be whittled down to only those projects that are truly experiencing "delays". As such, the Corps asks that the Technical Committee members (or their designees) review the attached project list and provide feedback on which of their additional projects should be eliminated from the project list that will be discussed on Dec 6th. In addition, if a project is not listed that should be listed, please let us know. Responses are requested from all agencies by Friday, 17 Nov 06.

Please note that the "Status" column in the spreadsheet is from the program database; however, it is truncated. Once we have a final list of "delayed" projects that should be discussed by the Technical Committee on Dec 6th, the Corps will ask agencies to provide an update to the spreadsheet to include the most recent project status. This will be requested over the week of Thanksgiving, so please ensure that someone will be available to respond to this request, OR provide your status input by 17 Nov 06 with the above request.

Thank you for your prompt attention to this request. Your cooperation and assistance will

allow the Corps to whittle down the list of 49 projects prior to the Dec 6th meeting, thus reducing the amount of time that the committee will spend discussing projects during the meeting.

Julie Z. LeBlanc

U. S. Army Corps of Engineers

(504) 862-1597

Keep on List?	PROJECT	AGENCY	PL	Authorization Date	CSA Execution	Deauthorization Date	Phase I Approval	Phase II Approval	Const Start	Const Compl	STATUS		
Yes	Central and Eastern Terrebonne Freshwater Delivery (Complex Project)	FWS		10/1/1999 as complex project							<u>Response from Darryl Clark: Keep on list.</u> Complex project receiving Phase 0 funds in October 1999.		
Yes	Fort Jackson Sediment Diversion (Complex Project)	COE		10/1/1999 as complex project							<u>Response from Corps: Keep on list for discussion.</u> Updated status: No additional action from LDNR since the project was tabled prior to consideration of Phase I approval back in 2003.		
Yes	Brown Lake Hydrologic Restoration	NRCS	2	19-Oct-92	28-Mar-94	A			1-Feb-07	1-Jan-08	<u>Response from Britt Paul: Keep on list for discussion.</u> <u>reported status is accurate.</u> Status: Current design is being revised for the Crab Gully area. Project is scheduled to request approval for construction at the July 2007 Task Force meeting.		
Yes	West Pointe a la Hache Outfall Management	NRCS	3	01-Oct-93	5-Jan-95	A					<u>Response from Britt Paul: Keep on list for discussion.</u> <u>reported status is accurate.</u> Status: Project team decision regarding proposed project features is pending a revised operation plan of siphon between Parish and State. No schedule is available until decision is made.		
Yes	Grand Bayou Hydrologic Restoration	FWS	5	28-Feb-96	28-May-04	A			1-Mar-08	1-Dec-08	<u>Response from Darryl Clark: Keep on list.</u> The contractor has been working on model calibration and verification. Once that step is completed, with-project model runs will be begin.		
Yes	Lake Boudreaux Freshwater Introduction	FWS	6	24-Apr-97	22-Oct-98	A			1-May-08	1-May-09	<u>Response from Darryl Clark: Keep on list.</u> Updated status: Landrights have been obtained from 35 persons. The remaining 3 persons appear unwilling to sign. Options for acquiring those landrights are being explored.		
Yes	Penchant Basin Natural Resources Plan, Increment 1	NRCS	6	24-Apr-97	23-Apr-02	A			1-Feb-07	1-Jan-08	<u>Response from Britt Paul: Keep on list for discussion.</u> <u>reported status is accurate.</u> Status: Design on preferred project alternative began in October 2006. Project is scheduled to request construction approval in July 2007, with an anticipated construction start date of February 2008. Construction completion date is scheduled for January 2009.		
Yes	Little Pecan Bayou Hydrologic Restoration	NRCS	9	11-Jan-00	25-Jul-00	A	11-Jan-00	A	30-Jan-08	1-Aug-08	1-Jul-09	<u>Response from Britt Paul: Keep on list for discussion.</u> <u>reported status is accurate.</u> Status: Landrights issues have caused design revisions to current features. Current schedule is for a 30% review meeting in June 2007, with anticipated construction beginning in August 2008 and ending in March 2009, pending funding approval.	
Yes	Opportunistic Use of the Bonnet Carre Spillway	COE	9	11-Jan-00	31-Jan-07		11-Jan-00	A	31-Jan-08	1-May-08	1-Nov-08	<u>Response from Corps: Keep on list for discussion.</u> Updated status: On hold pending outcome of WRDA.	
Yes	Periodic Intro of Sediment and Nutrients at Selected Diversion Sites Demo (DEMO)	COE	9	11-Jan-00	15-May-06	*	11-Jan-00	A	11-Jan-00	A	1-Apr-07	1-Apr-08	<u>Respose from Corps: Keep on list for discussion.</u> Updated status: Sediment capacities of the Caernarvon Diversion Outfall Canal have been developed. Several methods of introducing the sediment into the diversion are were investigated by the team. Coordinating with Corps' 4th Supplemental "Modification to Caernarvon" project manager.
Yes	Weeks Bay MC and SP/Commercial Canal/Freshwater Redirection	COE	9	11-Jan-00			11-Jan-00	A				<u>Response from Corps: Keep on list for discussion.</u> Updated status: Fully funded Phase 1 cost for this project is \$1,229,337. The project area includes approximately 2,900 acres of fresh to brackish marsh habitat. The project kick-off was in April 2001 with the COE and DNR. Initial surveys, soils investigations, gage data, and hydrologic investigations indicate that few project benefits can be obtained without greatly increasing the scope and cost (currently estimated at \$30M, fully funded; originally estimated at 15M, fully funded at time of inclusion on PPL9) of the project. Attempts to deauthorize have been met with resistance from local stakeholders. The project has remained on hold pending the determination of the disposition of the Port of Iberia Channel Project. A revised deposition of dredged materials from that project could greatly reduce the costs of the Weeks Bay Project.	

Keep on List?	PROJECT	AGENCY	PL	Authorization Date	CSA Execution	Deauthorization Date	Phase I Approval	Phase II Approval	Const Start	Const Compl	STATUS
Yes	Benneys Bay Diversion	COE	10	10-Jan-01	30-Jan-07		10-Jan-01	A 31-Jan-08	1-Mar-08	1-Nov-09	<u>Response from Corps: Keep on list for discussion.</u> Updated status: Disagreement about the overall funding (O&M) approach for this project will delay its consideration for construction funding this cycle. Uncertainty regarding the induced shoaling amounts resulted in a \$10 million cost cap for O&M, which would fund only one cycle of O&M (versus 10 cycles). The revised fully funded cost for the project, including construction, monitoring and once cycle of O&M, is \$29,077,261. The fully funded costs for 10 cycles of O&M over 20 years would be \$115,395,910. Approximately 4,800 acres of marsh would be created through natural deltaic accretion. Approximately 170 acres of marsh would be created during construction and approximately 100 acres would result a single cycle of maintenance dredging of induced shoaling. The difference in benefits would be 5,070 (one O&M cycle) versus 5903 acres (10 cycles).
Yes	Lake Borgne Shoreline Protection	EPA	10	10-Jan-01	2-Oct-01	A	10-Jan-01	A 8-Feb-06	A 20-Feb-07	31-Dec-07	<u>Response from Sharon Parrish: Retain on list.</u> Updated status: LDNR has revised the cost estimate. Additional construction funds will be needed due to storm-related price increases. This project is at the top of DNR's oyster appraisal list. Anticipate advertising for construction in early 2007, with construction taking place May to September 2007 in order to accommodate the endangered species issue.
Yes	Small Freshwater Diversion to the Northwestern Barataria Basin	EPA	10	10-Jan-01	8-Oct-01	A	10-Jan-01	A 31-Jan-10	1-May-10	1-May-12	<u>Response from Sharon Parrish: Retain on list, status description is accurate.</u> Status: Difficulties with land rights combined with recent cypress logging activity require EPA and LDNR to re-evaluate the future of the current benefit area/potential diversion alignments considered to date.
Yes	Terrebonne Bay Shore Protection Demonstration (DEMO)	FWS	10	10-Jan-01	24-Jul-01	A	10-Jan-01	A 10-Jan-01	A 1-Apr-07	30-Sep-07	<u>Response from Darryl Clark: Keep on list.</u> Updated status: The bids that were received from the 7/6/06 bid package were all well over the cost estimated for this project. The project is being scaled down and re-designed to accommodate the higher costs. Three replicates with three treatments will be constructed. The revised project should be ready to be re-bid in January 2007. Project has been re-bid three times. Twice because contractors were not available due to hurricanes, and one other time.
Yes	River Reintroduction into Maurepas Swamp	EPA	11	16-Jan-02	4-Apr-02	A	07-Aug-01	A 30-Jan-09	1-Jun-09	1-Jun-11	<u>Response from Sharon Parrish: Retain on list.</u> Updated status: Modeling for the feasibility study has been delayed from the end of September to the end of December. No additional delays of this modeling effort are anticipated.
Yes	South Grand Chenier Hydrologic Restoration	FWS	11	16-Jan-02	3-Apr-02	A	16-Jan-02	A 30-Jan-08	1-Jun-07	1-May-08	<u>Response from Darryl Clark: Keep on list.</u> Updated status: Hydrologic modeling was completed in April 2005. Project landowners coordination delayed by Hurricane Rita and after effects. All Grand Chenier landowners lost their homes and were displaced as a result of the hurricane. Modeling results were presented to landowners March 9, 2006 with mixed but optimistic results. Sponsoring agencies are currently meeting with key landowners and planning surveying and geotechnical investigations to determine route of freshwater across Hwy 82 to benefit marshes south of that highway.
Yes	Avoca Island Diversion and Land Building	COE	12	16-Jan-03	1-Jan-07		16-Jan-03	A 31-Jan-08	15-Jul-08	15-Jun-09	<u>Response from Corps: Keep on list for discussion.</u> Updated status: Draft 30% design report submitted prepared. Project scope has changed and nearby borrow site is being tested. Additional borrow site consideration would cost funds the project does not have budgeted.
Yes	Bayou Dupont Sediment Delivery System	EPA	12	16-Jan-03	21-Mar-04	A	16-Jan-03	A 30-Jan-08	1-Mar-08	1-Sep-08	<u>Response from Sharon Parrish: Retain on list, status description is accurate.</u> Status: As of June 06, all geotech data has been collected. Current work w/COE to ensure project complies w/all dredging/navigation procedures. All landowners are in full support; formal landright agreements are being drafted for final approval.
Yes	Mississippi River Sediment Trap	COE	12	16-Jan-03	30-Jan-07		07-Aug-02	A 31-Jan-08	1-Aug-08	1-Mar-09	<u>Response from Corps: Keep on list for discussion.</u> Updated status: We have been seeking input from LDNR since 2002 on additional alternatives.

Keep on List?	PROJECT	AGENCY	PL	Authorization Date	CSA Execution	Deauthorization Date	Phase I Approval	Phase II Approval	Const Start	Const Compl	STATUS
No	Jonathan Davis Wetland Restoration	NRCS	2	19-Oct-92	5-Jan-95	A			22-Jun-98	A (updated) 3/1/2008	<u>Response from Britt Paul: Does this one need to be on the list for discussion?</u> Revised status: Construction Units 1, 2 and 3 are completed Construction Unit#4 was revised due to hurricane related causes. Revised schedule is for the construction contract to be advertised in December 2006 and construction to begin in April 2007 with a completion date anticipated for March 2008.
No	West Belle Pass Headland Restoration	COE	2	19-Oct-92	27-Dec-96	A			10-Feb-98	A (updated) 1 Mar 06	<u>Response from Corps: Remove from list of projects to discuss. Construction contract awarded for work to Weeks Bay, to be completed in next few months.</u> Project Status: Original project construction completed July 1998. Supplemental disposal for wetland creation anticipated September 2006.
No	Cameron-Creole Maintenance	NRCS	3	01-Oct-93	9-Jan-97	A			30-Sep-97	A	<u>Response from Britt Paul: Remove from List.</u> Revised status: This project was constructed prior to becoming a CWPPRA project. As stated in spreadsheet, CWPPRA has performed 3 maintenance events. In October 2006, the Task Force approved additional O&M funds to allow repair of storm damages. This project is not "delayed".
No	Bayou Lafourche Siphon	EPA	5	28-Feb-96	19-Feb-97	A					<u>Response from Sharon Parrish: This project should be removed from list. It has been deobligated.</u>
No	Myrtle Grove Siphon	NMFS	5	28-Feb-96	20-Mar-97	A					<u>Response from Erik Zobrist: This project should not be listed.</u> Updated status: With the concurrence of DNR, the NOAA grant for the project was closed out and funds returned to the program. At LDNR's request, de-authorization procedures were not initiated because DNR wished to keep the project on the CWPPRA books for possible future funding depending on the development of Delta Building Diversion at Myrtle Grove (BA-33).
No	Mississippi River Reintroduction into Bayou Lafourche	EPA	5.1	25-Oct-01	23-Jul-03	A					<u>Response from Sharon Parrish: This project should be removed from the list. It is in the process of being shut down.</u>
No	Delta Wide Crevasses	NMFS	6	24-Apr-97	28-May-98	A			21-Jun-99	A 31-Dec-14	<u>Response from Erik Zobrist: This project should not be listed.</u> Updated status: The project recently completed the second of four project construction (dredging) cycles to create or maintain crevasses. NOAA is closing out the grant and meeting with DNR to schedule the next round on construction.
No	Barataria Basin Landbridge Shoreline Protection, Phase 1 and 2	NRCS	7	16-Jan-98	16-Jul-99	A			1-Dec-00	A 1-May-07	<u>Response from Britt Paul: Does this one need to be on the list for discussion?</u> Revised status: Construction Units 1 and 2 are completed. Construction Unit #4 began construction on May 26, 2005. Construction was halted due to hurricane related causes, and resumed on July 24, 2006. Revised anticipated completion date is October 2007. Initial bids for Construction Unit 5 were extremely high due to post-hurricane cost increases; contract has been re-advertised; bid opening is scheduled for December 29, 2006.
No	Sabine Refuge Marsh Creation, Cycle 2	COE	8	20-Jan-99	17-Feb-05	A			1-Jun-07	1-Jun-08	<u>Response from Corps: Remove from list of projects to discuss.</u> Updated status: This project was broken into five construction cycles. Cycle 2 includes installation of a permanent sediment delivery pipeline that has required substantial real estate investigations and negotiations. Negotiations were well advanced prior to, but were interrupted by hurricanes Katrina and Rita. Negotiations have resumed and are on track Project scheduled to undergo BCOE review by December 1st with contract advertisement by April/May 07. Construction start of the permanent pipeline anticipated for summer 2007. A portion of the containment levees for the Cycle II marsh creation are currently under construction under the same contract for Cycle III construction.

Keep on List?	PROJECT	AGENCY	PL	Authorization Date	CSA Execution	Deauthorization Date	Phase I Approval	Phase II Approval	Const Start	Const Compl	STATUS			
No	Sabine Refuge Marsh Creation, Cycle 4	COE	8	20-Jan-99							<u>Response from Corps: Remove from list of projects to discuss.</u> Updated status: This project was broken into five construction cycles. Cycle 4 Engineering and Design 95% is complete along with Environmental Compliance. The CWPPRA Task Force has deferred construction funding approval for Cycles 4 and 5 until construction of cycles 2 and 3 are complete. Request for construction approval for Cycle 4 is planned to meet the Calcasieu River Ship Channel FY 09 maintenance dredging cycle.			
No	Sabine Refuge Marsh Creation, Cycle 5	COE	8	20-Jan-99							<u>Response from Corps: Remove from list of projects to discuss.</u> Updated status: This project was broken into five construction cycles. Cycle 5 Engineering and Design 95% is complete along with Environmental Compliance. The CWPPRA Task Force has deferred construction funding approval for Cycles 4 and 5 until construction of cycles 2 and 3 are complete. Request for construction approval for Cycle 5 is planned to meet the Calcasieu River Ship Channel FY 10 maintenance dredging cycle.			
No	Black Bayou Culverts Hydrologic Restoration	NRCS	9	11-Jan-00	25-Jul-00	A	11-Jan-00	A	14-Aug-03	A	25-May-05	(updated) 3/1/2007	<u>Response from Britt Paul: Remove from list - project is under construction.</u> Revised status: Construction began May 25, 2005. Construction was delayed due to hurricane related causes. Revised anticipated completion date is March 2007.	
No	Freshwater Introduction South of Highway 82	FWS	9	11-Jan-00	12-Sep-00	A	11-Jan-00	A	13-Oct-04	A	1-Sep-05	(updated) 11/1/2006	<u>Response from Darryl Clark: Project is not delayed, remove from list.</u> Updated status: Semi-final inspection was held Oct 31, 2006. Contractor has until Dec 1, 2006 to make minor modifications.	
No	LaBranche Wetlands Terracing, Planting, and Shoreline Protection	NMFS	9	11-Jan-00	21-Sep-00	A	11-Jan-00	A					<u>Response from Erik Zobrist: This project should not be listed.</u> Updated status: With the concurrence of DNR, the NOAA grant for the project was closed out and funds returned to the program. At LDNR's request, de-authorization procedures were not initiated because we were waiting to see what the landowners eventually decided to do with the project area.	
No	New Cut Dune and Marsh Restoration	EPA	9	11-Jan-00	1-Sep-00	A	11-Jan-00	A	10-Jan-01	A	1-Oct-06	A	1-Oct-07	<u>Response from Sharon Parrish: This project should be removed from the list.</u> Updated status: Construction contract awarded. Notice to Proceed issued for October 1, 2006. Dredging work expected to begin end of Dec 06 (dredge expected to be available at this time), with the same dredge currently working on a NMFS sponsored barrier island restoration project.
No	Timbalier Island Dune and Marsh Restoration	EPA	9	11-Jan-00	5-Oct-00	A	11-Jan-00	A	16-Jan-03	A	1-Jun-04	A	31-Oct-06	<u>Response from Sharon Parrish: This project should be removed from the list, project status is correct.</u> Updated status: Awaiting confirmation from State of Louisiana regarding contract completion activities. As soon as the State completes contracting actions and returns remaining funds, the project will be closed out.
No	Delta Building Diversion at Myrtle Grove	COE	10	10-Jan-01			10-Jan-01	A						<u>Response from Corps: Remove from list of projects to discuss.</u> Updated status: Under consideration for transfer to LCA.
No	Delta Building Diversion North of Fort St. Philip	COE	10	10-Jan-01	1-Mar-07		10-Jan-01	A	31-Jan-08		1-Nov-08			<u>Response from Corps: Remove from list of projects to discuss.</u> Updated status: 95% design review anticipated by end of February 2007. Project engineering and design was delayed by Hurricanes Rita and Katrina and residual impacts.
No	Delta Management at Fort St. Philip	FWS	10	10-Jan-01	16-May-01	A	10-Jan-01	A	7-Aug-02	A	19-Jun-06	A	(updated) 11/18/2006	<u>Response from Darryl Clark: Project is not delayed, remove from list.</u> Updated status: This project is currently under construction and is expected to be completed by Nov 18, 2006.

Keep on List?	PROJECT	AGENCY	PL	Authorization Date	CSA Execution	Deauthorization Date	Phase I Approval	Phase II Approval	Const Start	Const Compl	STATUS
No	East Sabine Lake Hydrologic Restoration	FWS	10	10-Jan-01	17-Jul-01	A	10-Jan-01	12-Nov-03	1-Dec-04	1-Jul-08	<u>Response from Darryl Clark: Project is not delayed, remove from list.</u> Updated status: CU 1 construction is completed as of October 3, 2006. CU 2 will be discontinued as of the October 18, 2006, Task Force meeting. The Task Force authorized 50,000 lf of additional terraces for CU 1 plus gaps in the foreshore dike in October 2006. Permit modifications and drawings of additional terraces and gaps are currently being prepared.
No	North Lake Mechant Landbridge Restoration	FWS	10	10-Jan-01	16-May-01	A	10-Jan-01	7-Aug-02	1-Apr-03	1-Feb-07	<u>Response from Darryl Clark: Project is no longer delayed, remove from list.</u> Updated status: Project is on track for construction in early 2007. Settlement column test to be performed prior to soliciting construction bids early next year.
No	Barataria Barrier Island: Pelican Island and Pass La Mer to Chalant Pass	NMFS	11	16-Jan-02	6-Aug-02	A	16-Jan-02	28-Jan-04	25-Mar-06	1-Sep-06 *	<u>Response from Erik Zobrist: This project should not be listed.</u> Updated status: The project is under construction with the first island (Chaland Headland) due for completion by the end of the year. Construction for the other island (Pelican Island) is scheduled for construction in 2007, thus the entire project is 1/2 complete.
No	Barataria Basin Landbridge Shoreline Protection, Phase 4	NRCS	11	16-Jan-02	9-May-02	A	16-Jan-02	28-Jan-04	27-Apr-05	(updated) 4/26/2006 A	<u>Response from Britt Paul: Remove from list - construction is complete.</u> Revised status: Construction Unit #6 was completed on April 26, 2006.
No	Little Lake Shoreline Protection/Dedicated Dredging near Round Lake	NMFS	11	16-Jan-02	6-Aug-02	A	16-Jan-02	12-Nov-03	4-Aug-05	31-Jan-07	<u>Response from Erik Zobrist: This project should not be listed.</u> Updated status: Project is well under construction with only some rock work remaining. Construction will be complete in early 2007.
No	Pass Chalant to Grand Bayou Pass Barrier Shoreline Restoration	NMFS	11	16-Jan-02	6-Aug-02	A	16-Jan-02	8-Feb-06	1-Apr-07	1-Oct-07	<u>Response from Erik Zobrist: This project should not be listed.</u> Updated status: Project was approved for construction in January 2006 but NOAA has just received an application from LDNR. NOAA processing should be complete very soon with the start of the new FY and LDNR should be in a position to commence construction in 2007.
No	Raccoon Island Shoreline Protection/Marsh Creation, Ph 2	NRCS	11	16-Jan-02	23-Apr-02	A	16-Jan-02	13-Oct-04	13-Dec-05	1-Jul-08	<u>Response from Britt Paul: Does this one need to be on the list for discussion? Reported status is accurate.</u> Status: Construction is on-going for Unit #1, and is scheduled for completion in November 2006.
No	West Lake Boudreaux Shoreline Protection and Marsh Creation	FWS	11	16-Jan-02	3-Apr-02	A	16-Jan-02	8-Feb-06	1-Apr-07	1-Feb-08	<u>Response from Darryl Clark: Project is not delayed.</u> Updated status: NRCS has finished their Final Plans and Specs and are awaiting a final signature once the final landrights are completed. DNR is still wrapping-up some landrights issues and estimates completion in early-to-mid December. The Final EA has been submitted and a permit from the Corps has been received. Construction is imminent within the next 3 months.
No	Freshwater Floating Marsh Creation Demonstration (DEMO)	NRCS	12	16-Jan-03	12-Jun-03	A	16-Jan-03	16-Jan-03	1-Jul-04	(updated) 4/1/2009 A	<u>Response from Britt Paul: Remove from list - construction is complete.</u> Revised status: Project construction was completed in April 2006.



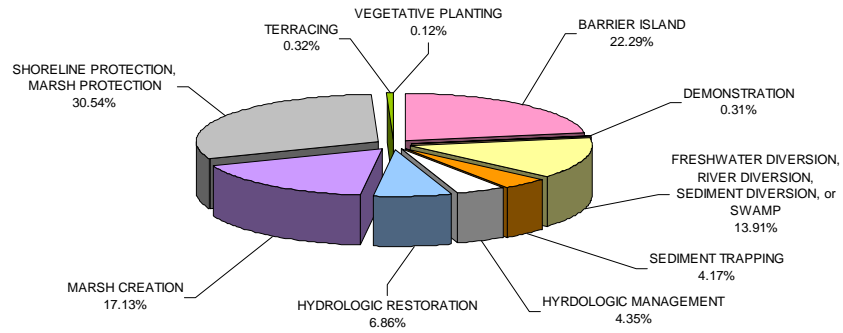
COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

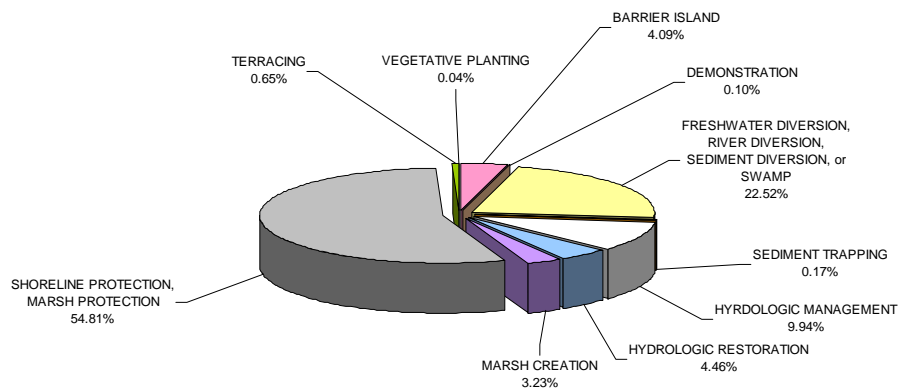
December 6, 2006

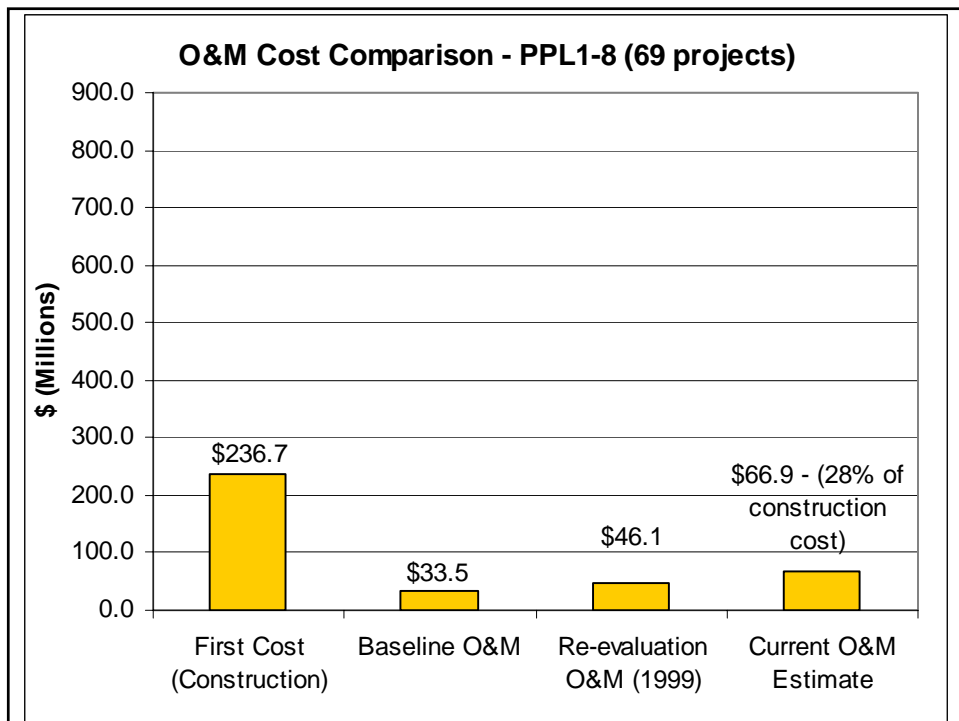
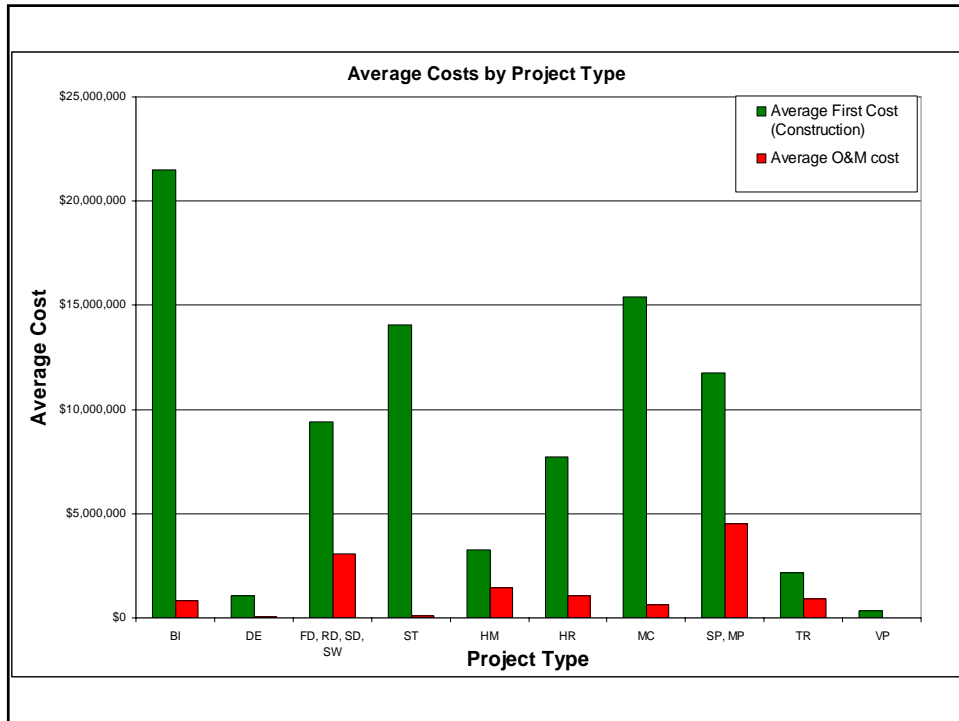
**DISCUSSION: LONG-TERM O&M OF CWPPRA PROJECTS INCLUDING A  
BREAKDOWN OF O&M BY PROJECT TYPE**

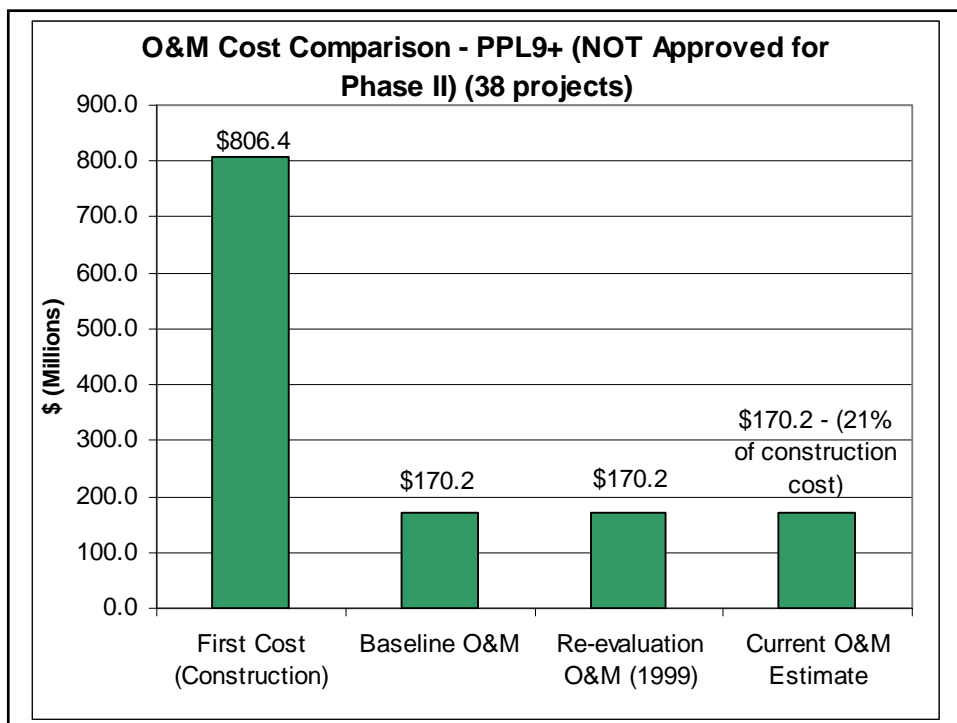
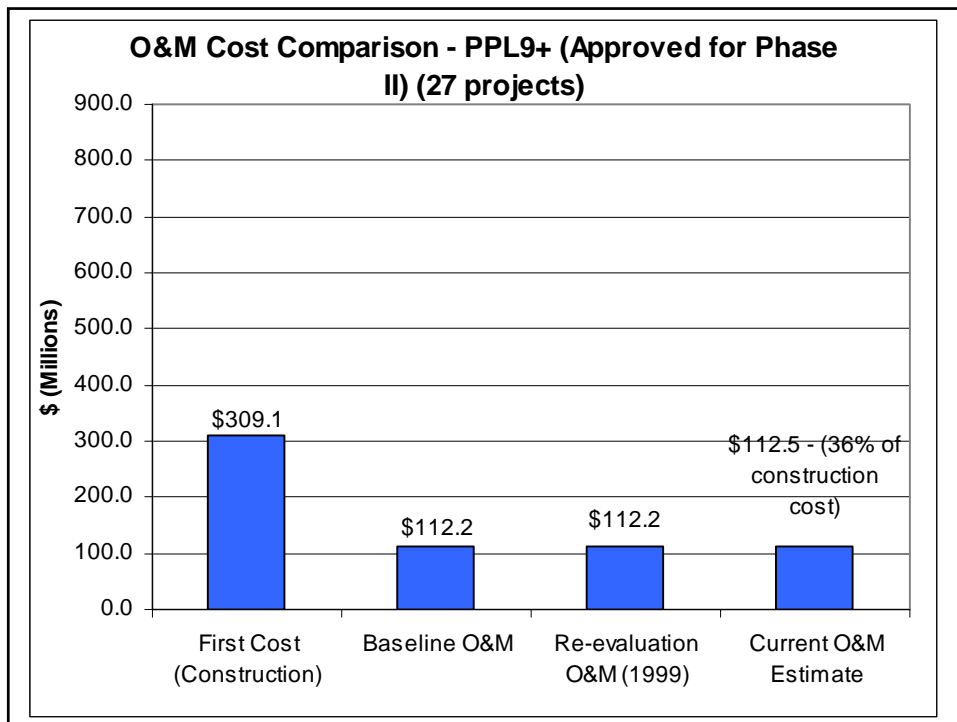
### First Construction Cost by Project Type (Percentage of Total First Construction Cost - \$1,352.2M)

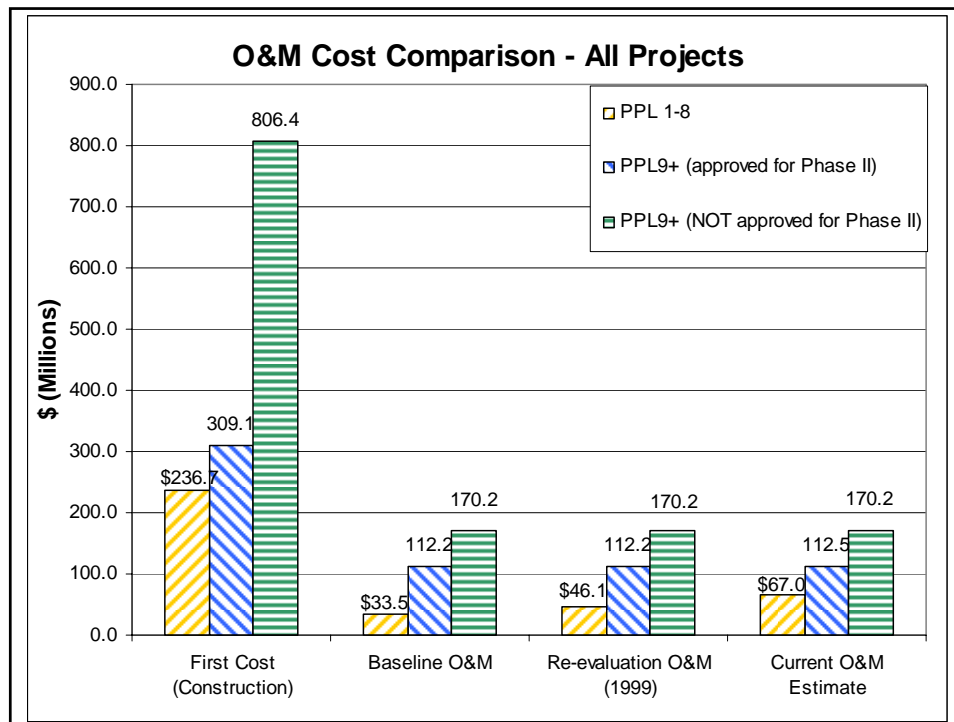


### O&M Cost by Project Type (Percentage of Total O&M Cost - \$349.7M)









**From:** LeBlanc, Julie Z MVN

**Sent:** Friday, November 17, 2006 6:57 PM

**To:** 'Amelia\_vincent@ursCorp.com'; 'betty.jones@la.usda.gov'; Hicks, Billy J MVN; 'britt.paul@la.usda.gov'; 'charles.Killebrew@LA.GOV'; 'cheryl.walters@la.usda.gov'; 'chrisk@dnr.state.la.us'; 'comvss@lsu.edu'; 'daniel.llewellyn@la.gov'; 'darryl\_clark@fws.gov'; 'deetra.washington@gov.state.la.us'; 'diane.smith@la.gov'; 'edh@dnr.state.la.us'; 'erik.zobrist@noaa.gov'; 'gabrielle\_bodin@usgs.gov'; Browning, Gay B MVN; 'gerryd@dnr.state.la.us'; Breerwood, Gregory E MVN; 'gsteyer@usgs.gov'; 'honorab@dnr.state.la.us'; 'jimmy\_johnston@usgs.gov'; Petitbon, John B MVN; 'john.jurgensen@la.usda.gov'; 'jonathan.porthouse@la.gov'; 'Karim Belhadjali [karimb@dnr.state.la.us]'; 'kevin\_roy@fws.gov'; 'kirk.rhinehart@la.gov'; 'kirkr@dnr.state.la.us'; 'Landers.Timothy@epamail.epa.gov'; 'parrish.sharon@epa.gov'; 'pat.forbes@GOV.STATE.LA.US'; 'quin.kinler@la.usda.gov'; 'rachel.sweeney@noaa.gov'; 'randyh@dnr.state.la.us'; 'richard.hartman@noaa.gov'; 'rickr@dnr.state.la.us'; 'russell\_watson@fws.gov'; 'scott\_wilson@usgs.gov'; Hawes, Suzanne R MVN; 'Taylor.Patricia-A@epamail.epa.gov'; Podany, Thomas J MVN; 'tom\_denes@URSCorp.com'; Creel, Travis J MVN-Contractor; Unger, Audrey C MVN-Contractor; 'finley\_h@wlf.state.la.us'; Rauber, Gary W MVN; Miller, Gregory B MVN; 'jonathanp@dnr.state.la.us'; Goodman, Melanie L MVN; 'ruiz\_mj@wlf.state.la.us'; Browning, Gay B MVN; Goodman, Melanie L MVN; Constance, Troy G MVN; Martinez, Wanda R MVN; !Ambiguous Address - DONOT USE; Amelia\_vincent@ursCorp.com; betty.jones@la.usda.gov; Billy Hicks; britt.paul@la.usda.gov; charles.Killebrew@LA.GOV; cheryl.walters@la.usda.gov; chrisk@dnr.state.la.us; comvss@lsu.edu; daniel.llewellyn@la.gov; darryl\_clark@fws.gov; deetra.washington@gov.state.la.us; diane.smith@la.gov; edh@dnr.state.la.us; erik.zobrist@noaa.gov; gabrielle\_bodin@usgs.gov; Gay Browning; gerryd@dnr.state.la.us; Gregory Breerwood; gsteyer@usgs.gov; Hennington, Susan M MVN; honorab@dnr.state.la.us; jimmy\_johnston@usgs.gov; John Petitbon; john.jurgensen@la.usda.gov; jonathan.porthouse@la.gov; Karim Belhadjali [karimb@dnr.state.la.us]; kevin\_roy@fws.gov; kirk.rhinehart@la.gov; kirkr@dnr.state.la.us; Lachney, Fay V MVN; Landers.Timothy@epamail.epa.gov; parrish.sharon@epa.gov; pat.forbes@GOV.STATE.LA.US; quin.kinler@la.usda.gov; rachel.sweeney@noaa.gov; randyh@dnr.state.la.us; richard.hartman@noaa.gov; rickr@dnr.state.la.us; russell\_watson@fws.gov; scott\_wilson@usgs.gov; Suzanne Hawes; Taylor.Patricia-A@epamail.epa.gov; Thomas Podany; tom\_denes@URSCorp.com; Travis Creel; Unger, Audrey C MVN-Contractor; finley\_h@wlf.state.la.us; Gary Rauber; Gregory Miller; jonathanp@dnr.state.la.us; Melanie Goodman; ruiz\_mj@wlf.state.la.us; Gay Browning; Melanie Goodman; Troy Constance; Wanda Martinez

**Subject:** RE: Draft agenda for the Dec 6, 2006 Technical Committee Meeting

Technical Committee/P&E Subcommittee:

In support of upcoming Technical Committee meeting **Agenda Item #8 "Discussion: Long-Term O&M of CWPRA Projects Including a Breakdown of O&M by Project Type"** the Corps has compiled a spreadsheet that lays out the "breakdown of O&M by project type". The attached spreadsheet will be provided in your binders and can be discussed/presented at the start of the agenda item on the day of the meeting, if so desired.

A bullet list of some of the questions/issues raised at the October Task Force meeting includes:

- What process/evaluation should the program use to determine if increasing individual project O&M funding is "justifiable" based on a project's observed benefits, performance (effectiveness), and total costs.
- Performing an analysis of O&M costs by project type to determine if O&M can be better planned in project design and construction phases to minimize the program O&M burden (*attached spreadsheet addresses this analysis*)

- Could the program contract out a scientific and technically based assessment that may allow the program to reduce O&M costs?
- Are there legal issues with landrights agreements that force CWPPRA to fund O&M for the 20-year project life?

Julie Z. LeBlanc  
U. S. Army Corps of Engineers  
(504) 862-1597

## Creel, Travis J MVN-Contractor

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**From:** Darryl\_Clark@fws.gov  
**Sent:** Tuesday, November 21, 2006 5:25 PM  
**To:** LeBlanc, Julie Z MVN  
**Cc:** Browning, Gay B MVN  
**Subject:** RE: O & M Spreadsheet and Materials

Julie,

Thanks for incorporating the recommendations.

I realize that a lot of work has gone into the development of the O & M spreadsheets and figures. I do not know what is in the database you are speaking of, but those project types I discussed in the first e-mail are problematic. Sometimes certain things get into a databases that aren't correct later. For example, "swamp" is definitely not a project type, the project depicted, the Maurepas Diversion, is a freshwater diversion project. CWPPRA project types are listed in the SOP (under the Prioritization scoring, p 49), past reports to congress, and PPL reports. Swamp and Hydrologic Management are not listed in those reports nor have we used them over the years. We did have "Outfall Management" defined as projects with features that manage the outfall of freshwater diversions. Keeping the types as they are will cause some difficulties in clearly separating those project types that have higher O & M.

There are 10 CWPPRA project types are -

- 1) Shoreline protection,
- 2) River (or sediment) diversions (same as sediment diversions),
- 3) Freshwater diversions,
- 4) Hydrologic restoration,
- 5) Outfall Management,
- 6) Sediment trapping [problematic because most are terraces (i.e., Vermilion Bay, Little Verm. Bay terraces)],
- 7) Terracing,
- 8) Marsh creation,
- 9) Barrier island projects, and
- 10) Vegetative plantings.

All of the above but sediment trapping and outfall management are in the SOP. That is because outfall management is a subset of hydrologic restoration and sediment trapping, except for MR sediment trap, is done via terraces. I could add "sediment trapping" (but that is the same as terracing for many projects), and as I mentioned above, Outfall Management (Hydrologic Management is the same thing, but outfall management is more descriptive). I would recommend that "swamp" be removed as one category (and the Maurepas Swamp Diversion placed with FW diversions), and that "hydrologic management" be combined with hydrologic restoration of called outfall management. The rest of the O& M project type categories are fine.

Project types as reported in the PPL 15 report to Congress (page 6), "Type codes: FD=Freshwater Diversion; HR=Hydrologic Restoration; MC=Marsh Creation; OM= Outfall Management; SP=Shoreline Protection; TR=Terracing." Sediment diversions (from Mississippi River), Barrier Island, and vegetative plantings were not included in the footnote because no projects in those categories were reviewed for PPL 15.

The CWPPRA SOP (Page 49) includes the following project types under the  
"certainty of benefits"  
calculations for  
Prioritization scoring.

"Certainty of Benefits - Project Type Table



Inland shoreline protection - Chenier plain  
River diversions - deltaic plain  
Terracing - chenier plain  
Inland shoreline protection - deltaic plain  
Marsh creation - chenier plain  
Marsh creation - deltaic plain  
Barrier island projects  
Gulf shoreline protection - chenier plain  
Gulf shoreline protection - deltaic plain  
Freshwater diversion -chenier plain  
Freshwater diversion - deltaic plain  
Hydrologic restoration - chenier plain  
Vegetative plantings (low energy area)  
Terracing - deltaic plain  
Hydrologic restoration - deltaic plain  
Vegetative plantings (high energy area)"

If the redundancies in the above list are removed, the list becomes, 1) shoreline protection, 2) river diversions (same as sediment diversions), 3) freshwater diversions, 4) hydrologic restoration, 5) terracing, 6) marsh creation, 7) barrier island projects, and 8) vegetative plantings.

Darryl

"LeBlanc, Julie Z MVN" <Julie.Z.LeBlanc@ mvn02.usace.army. mil>	<Darryl_Clark@fws.gov>	To
11/20/2006 03:38 PM	"Browning, Gay B MVN" <Gay.B.Browning@mvn02.usace.army.mi l>	cc
	Subject	
	RE: O & M Spreadsheet and Materials	

Darryl:

I will incorporate your changes (regarding combining types and including average cost per project type) into what goes out in the binders. I won't be able to get to it this week.

As far as project types - I used what was in the database for individual projects. As far as I can tell, these are the types being "officially" carried. We may need to address this separately (and not part of the update) to the spreadsheet. Gay is out all this week. I will talk to her about this more when she is back in town.

Julie

-----Original Message-----

From: Darryl\_Clark@fws.gov [mailto:Darryl\_Clark@fws.gov]

Sent: Monday, November 20, 2006 3:34 PM  
To: LeBlanc, Julie Z MVN  
Cc: Browning, Gay B MVN  
Subject: O & M Spreadsheet and Materials

Julie,

I have reviewed the O & M materials for the TC meeting. You and your staff did a very thorough job as usual. I can see Gay's calculations on the pages, and the graphics are good. I believe that Hydrologic Management, and Swamp are not project types we have used before. I would recommend that HM be combined with HR, swamp with FD (freshwater diversions), and river diversions combined with either freshwater or sediment diversions. If you look at the "official" list of projects presented in the PPL reports (i.e., PPL 14, page 6), as well as past Reports to Congress those "types" are not listed. Freshwater diversions, sediment diversions, and sediment trapping should be listed separately. A freshwater or sediment diversion off the Mississippi River is in a very different category from the Chenier au Tigre "sediment trapping" project (which is really a shoreline protection demo project), or any of the sediment trapping projects listed.

As I read through the material, I was looking for average O & M cost per project type. I calculated them separately and shoreline protection (\$4.49 M/project), and Freshwater Diversions (\$2.6 M/project) have the highest O&M cost per project. I would recommend that average costs per project type be depicted on the spreadsheet (and accompanying graph) after the project types are revised.

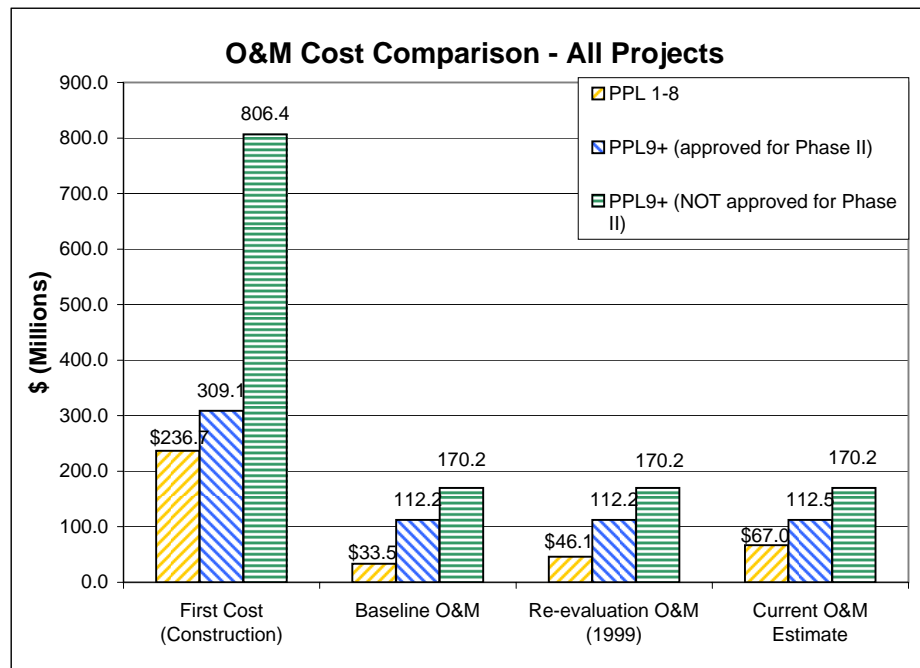
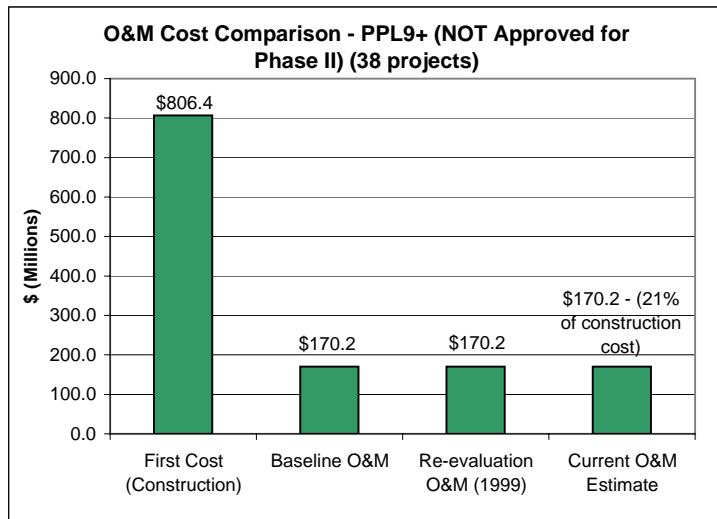
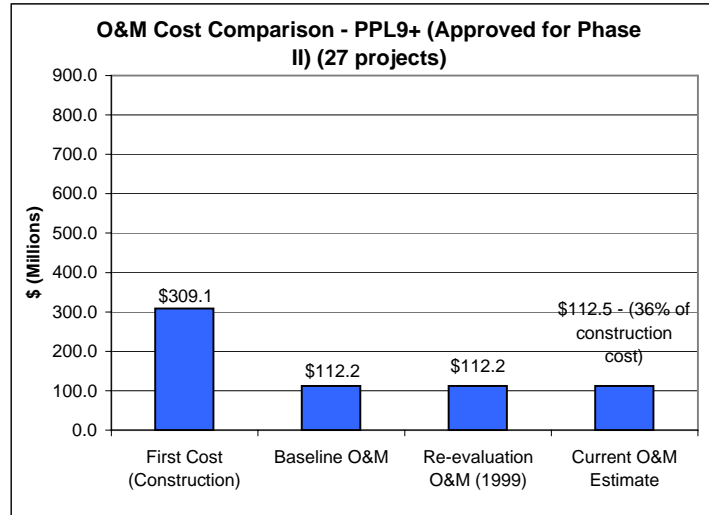
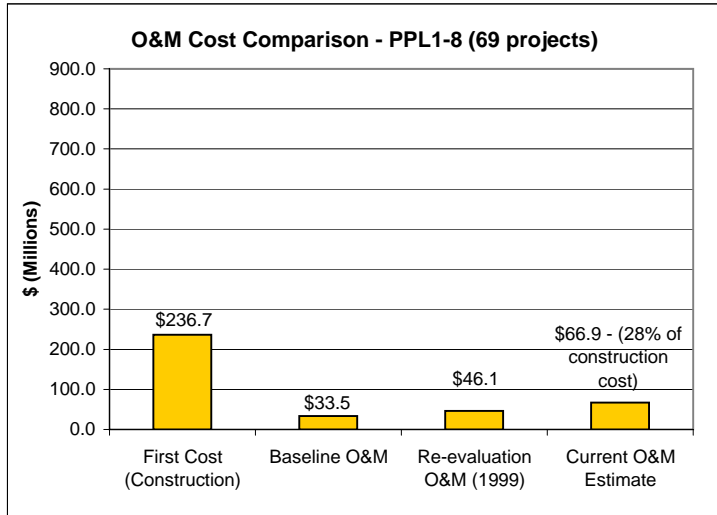
Thanks,

Darryl  
337-291-3111

STATUS OF MONITORING AND O&M WORK ITEMS																	
PPL	Proj No.	Agency	Project Type	Project	Project Auth Date	Phase II Approval	Const Compl	First Cost	Baseline O&M Estimate	Re-evaluation \$36,180	Increase 1	Increase 2	Baseline + Increases and Future Increments	Current	Future Increments	Unexpended	
Non-Cash Flow Projects																	
1	BA-02	NRCS	HM	BA-2 GIWW to Clovelly	Oct-91		Oct-00	\$6,444,428	\$1,952,936	\$1,235,079			\$1,235,079	\$1,235,079		\$1,151,179	
1	BA-19	COE	MC	Barataria Bay Marsh Creation	Oct-91		Oct-96	\$1,102,832	\$1,390,602								
1	PO-17	COE	MC	Bayou LaBranche	Oct-91		Apr-94	\$3,543,345			\$560		\$560	\$560			
1	PO-16	FWS	HM	Bayou Sauvage #1	Oct-91		May-96	\$975,501	\$290,087	\$294,364			\$294,364	\$294,364		\$176,170	
1	CS-17	FWS	HM	Cameron Creole	Oct-91		Jan-97	\$418,539	\$92,953	\$198,245			\$198,245	\$198,245		\$165,814	
1	ME-09	FWS	SP	Cameron Prairie	Oct-91		Aug-94	\$912,887		\$213,059			\$213,059	\$213,059		\$183,630	
1	TE-20	EPA	BI	Isles Dernieres (Ph 0)	Oct-91		Jun-99	\$8,250,886									
1	CS-18	FWS	SP	Sabine Wildlife Refuge	Oct-91		Mar-95	\$1,210,753	\$1,218,750	\$294,521			\$294,521	\$294,521		\$280,179	
1	TE-17	NRCS	VP	Veg Plntgs - Falgout Canal	Oct-91		Dec-96	\$118,405	\$31,537	\$24,375			\$24,375	\$24,375			
1	TE-18	NRCS	BI	Veg Plntgs - Timbalier Island	Oct-91		Jul-96	\$195,566	\$31,538	\$24,375			\$24,375	\$24,375			
1	CS-19	NRCS	VP	Veg Plntgs - West Hackberry	Oct-91		Mar-94	\$162,290	\$31,538	\$24,375			\$24,375	\$24,375			
1	TV-03	COE	SP	Vermilion River	Oct-91		Feb-96	\$1,695,284	\$204,258	\$235,937			\$235,937	\$235,937		\$162,818	
1	MR-03	COE	RD	West Bay	Oct-91		Nov-03	\$6,453,022	\$4,466,403	\$9,955,452	\$5,187,456		\$15,142,908	\$15,142,908		\$7,080,249	
2	AT-02	NMFS	RD	Atchafalaya Sediment Del	Oct-92		Mar-98	\$1,866,945		\$452,452			\$452,452	\$452,452		\$441,330	
2	PO-18	FWS	HM	Bayou Sauvage #2	Oct-92		May-97	\$993,885	\$283,768	\$367,239			\$367,239	\$367,239		\$176,939	
2	AT-03	NMFS	MC	Big Island Mining (Incrmnt 1)	Oct-92		Oct-98	\$6,461,638		\$409,773			\$409,773	\$409,773		\$397,583	
2	CS-09	NRCS	HM	Brown Lake	Oct-92		Jan-08	\$1,949,100	\$444,992	\$432,226			\$432,226	\$432,226		\$431,534	
2	BS-03a	NRCS	HM	Caernarvon Outfall Mgmt	Oct-92		Jun-02	\$2,526,130	\$94,223	\$94,223	\$951,712	\$126,832	\$1,172,767	\$1,172,767		\$1,013,431	
2	CS-22	COE	SP	Clear Marais	Oct-92		Mar-97	\$2,792,476	\$180,279	\$796,394			\$796,394	\$796,394		\$741,495	
2	ME-04	NRCS	HM	Freshwater Bayou	Oct-92		Aug-98	\$1,305,271	\$632,201	\$752,457	\$506,109		\$1,258,566	\$1,258,566		\$492,172	
2	PO-06	NRCS	HM	Fritchie Marsh	Oct-92		Mar-01	\$1,060,816	\$399,926	\$225,211			\$225,211	\$225,211		\$173,342	
2	CS-21	NRCS	HM	Hwy 384	Oct-92		Jan-00	\$317,725	\$149,454	\$345,898			\$345,898	\$345,898		\$168,125	
2	TE-24	EPA	BI	Isles Dernieres (Ph 1)	Oct-92		Jun-99	\$10,617,170									
2	BA-20	NRCS	HM	Jonathan Davis Wetland	Oct-92			\$20,759,127	\$323,283	\$554,261	\$2,013,660	\$4,742,683	\$7,310,604	\$7,310,604		\$7,243,416	
2	CS-20	NRCS	HM	Mud Lake	Oct-92		Jun-96	\$1,399,437	\$382,306	\$603,955	\$720,000		\$1,323,955	\$1,323,955			
2	TE-22	NMFS	HM	Point Au Fer	Oct-92		May-97	\$2,292,946		\$449,429	\$215,000	\$165,000	\$829,429	\$829,429		\$524,464	
2	TV-09	NRCS	SP	Vermilion Bay/Boston Canal	Oct-92		Nov-95	\$679,139	\$196,226	\$195,775			\$195,775	\$195,775		\$162,478	
2	TE-23	COE	MC	West Belle Pass	Oct-92			\$6,152,995	\$228,252	\$434,475			\$434,475	\$434,475		\$421,636	
3	TE-28	NRCS	HM	Brady Canal Hydro Rest	Oct-93		May-00	\$2,851,182	\$1,267,703	\$1,344,038			\$1,344,038	\$1,344,038		\$477,464	
3	CS-04a	NRCS	HM	Cameron Creole Maintenance	Oct-93			\$3,719,926	\$3,719,926	\$3,736,718	\$2,103,787		\$6,571,519	\$5,840,505	\$731,014	\$2,766,789	
3	MR-06	COE	RD	Channel Armor Gap	Oct-93		Nov-97	\$495,207									
3	TV-04	NRCS	HM	Cote Blanche	Oct-93		Dec-98	\$4,593,826	\$386,790	\$649,224	\$1,859,116		\$2,508,340	\$2,508,340		\$2,009,655	
3	TE-25	NMFS	BI	East Timbalier #1	Oct-93		May-01	\$3,586,950									
3	TE-26	NMFS	HM	Lake Chapeau	Oct-93		May-99	\$4,202,155		\$429,720	\$225,869		\$1,205,555	\$655,589	\$549,966	\$37,571	
3	BA-15	NMFS	SP	Lake Salvador	Oct-93		Jun-98	\$2,421,519	\$280,282	\$106,322	\$193,703		\$300,025	\$300,025		\$8,571	
3	CS-23	FWS	HM	Sabine Structures (Hog Island)	Oct-93		Sep-03	\$3,124,337	\$778,562	\$567,987			\$567,987	\$567,987		\$491,772	
3	BA-04c	NRCS	HM	West Pt-a-la-Hache	Oct-93			\$2,401,852	\$145,046	\$829,138			\$829,138	\$829,138		\$829,088	
3	TE-27	EPA	BI	Whiskey Island Restoration	Oct-93		Jun-00	\$6,967,273									
4	BA-23	NRCS	SP	BBWW "Dupre Cut" (West)	Dec-94		Nov-00	\$2,135,773	\$116,934	\$746,260			\$746,260	\$746,260		\$608,362	
4	TE-30	NMFS	BI	East Timbalier #2	Dec-94		Jan-00	\$7,455,822									
4	CS-25	NRCS	VP	Plowed Terraces Demo	Dec-94		Aug-00	\$280,216		\$3,972			\$3,972	\$3,972		\$642	
5	PO-22	COE	SP	Bayou Chevee	Feb-96		Dec-01	\$2,208,532	\$670,058	\$236,693			\$236,693	\$236,693		\$219,442	
5	ME-13	NRCS	SP	Freshwater Bayou Bank Stab.	Feb-96		Jun-98	\$1,911,055	\$274,953	\$575,510			\$575,510	\$575,510			
5	TE-10	FWS	FD	Grand Bayou	Feb-96			\$4,239,675	\$1,073,523	\$2,744,800			\$2,744,800	\$2,744,800		\$2,744,800	
5	TV-12	NMFS	ST	Little Vermilion	Feb-96		Aug-99	\$548,747		\$193,807			\$193,807	\$193,807		\$175,154	
5	BA-03c	NRCS	HM	Naomi	Feb-96		Jul-02	\$1,103,277	\$115,313	\$488,980			\$488,980	\$488,980		\$416,209	
5	CS-24	NRCS	SP	Perry Ridge Bank Protection	Feb-96		Feb-99	\$1,710,877	\$69,332	\$424,509			\$424,509	\$424,509		\$402,041	
5	TE-29	NRCS	SP	Raccoon Island Breakwaters	Feb-96		Jul-97	\$1,573,970	\$24,464	\$21,749	\$7,285		\$29,034	\$29,034		\$16,685	
5	CS-11b	NRCS	SP	Sweet Lake/Willow Lake, Ph 1	Feb-96		Oct-02	\$3,603,233	\$248,588	\$478,513			\$478,513	\$478,513		\$464,986	
6	BA-26	NRCS	SP	BBWW "Dupre Cut" (East)	Apr-97		May-01	\$3,917,187	\$213,968	\$1,228,499			\$1,228,499	\$1,228,499		\$1,182,053	
6	CS-27	NMFS	HR	Black Bayou Hydrologic Rest	Apr-97		Nov-03	\$4,540,693	\$409,465	\$592,986			\$592,986	\$592,986		\$505,285	
6	TV-16	NRCS	ST	Cheniere au Tigre	Apr-97		Nov-01	\$545,710	\$3,000	\$4,181	\$18,794	\$1,827	\$24,802	\$24,802		\$14,764	
6	MR-09	NMFS	SD	Delta-Wide Crevasses	Apr-97			\$769,394	\$3,470,239	\$3,695,207			\$3,695,207	\$3,695,207		\$2,776,131	
6	TV-15	NMFS	ST	Jaws Sediment Trapping	Apr-97		May-05	\$2,986,841		\$256,471			\$256,471	\$256,471		\$255,410	
6	TE-32a	FWS	FD	Lake Boudreaux	Apr-97			\$6,415,302	\$2,546,363	\$3,245,424			\$3,245,424	\$3,245,424		\$3,245,424	
6	TV-14	COE	HR	Marsh Island	Apr-97		Dec-01	\$3,769,541	\$151,479	\$145,447	\$554,553		\$700,000	\$700,000		\$645,307	
6	TV-13a	NRCS	HR	Oaks/Avery Canals	Apr-97		Oct-02	\$1,928,516	\$323,026	\$323,000			\$323,000	\$323,000		\$282,661	
6	TE-34	NRCS	HR	Penchant Basin	Apr-97			\$11,392,102	\$1,855,804	\$1,855,804			\$1,855,804	\$1,855,804		\$1,855,804	
7	BA-27	NRCS	SP	Barataria Landbridge - Ph 1 & 2	Jan-98			\$27,735,099	\$1,460,288	\$1,525,609			\$1,525,609	\$1,525,609		\$1,501,973	
7	BA-28	NMFS	VP	Grand Terre	Jan-98		Jul-01	\$284,178	\$39,962	\$62,643			\$62,643	\$62,643		\$60,821	
7	ME-14	NMFS	TR	Pecan Island Terracing	Jan-98		Sep-03	\$2,040,411		\$200,006			\$200,006	\$200,006		\$195,764	
8	PO-24	NMFS	HR	Hopedale	Jan-99		Jan-05	\$1,342,697	\$449,209	\$449,209			\$449,209	\$449,209			
8	ME-11	NRCS	HR	Humble Canal	Jan-99		Mar-03	\$616,133	\$239,858	\$239,858			\$239,858	\$239,858		\$219,835	
8	TV-17	NRCS	HR	Lake Portage	Jan-99		May-04	\$988,890	\$105,143	\$105,143			\$105,143	\$105,143		\$99,254	
8	CS-28-1	COE	MC	Sabine Refuge M.C., Cycle 1	Jan-99		Feb-02	\$3,393,998	\$50,174	\$2,003			\$2,003	\$2,003			
8	CS-28-2	COE	MC	Sabine Refuge M.C., Cycle 2	Jan-99			\$9,414,855									
8	CS-28-3	COE	MC	Sabine Refuge M.C., Cycle 3	Jan-99			\$4,495,746									
Total								\$236,651,309	\$33,514,964	\$46,122,980	\$14,557,604	\$5,036,342	\$66,997,906	\$65,716,926	\$1,280,980	\$46,097,700	

STATUS OF MONITORING AND O&M WORK ITEMS																	
PPL	Proj No.	Agency	Project Type	Project	Project Auth Date	Phase II Approval	Const Compl	First Cost	Baseline O&M Estimate	Re-evaluation \$36,180	Increase 1	Increase 2	Baseline + Increases and Future Increments	Current	Future Increments	Unexpended	
Cash Flow Projects Approved for Phase II																	
9	BA-27c	NRCS	SP	Barataria Landbridge - Ph 3	Jan-00	Jan-02		\$12,781,000	\$5,748,325				\$5,748,325	\$4,270	\$5,744,055		
9	CS-29	NRCS	HR	Black Bayou Bypass Culverts	Jan-00	Aug-03		\$5,121,593	\$812,972				\$812,972	\$53,464	\$759,508	\$53,464	
9	PO-27	NMFS	VP	Chandeleur Island Rest	Jan-00	Jan-00	Jul-01	\$763,714									
9	TV-18	NMFS	TR	Four-Mile Canal	Jan-00	Jan-03	May-04	\$2,248,970	\$1,654,682				\$1,654,682	\$18,858	\$1,635,824	\$2,276	
9	ME-16	USFWS	FD	Freshwater Intro. S of Hwy 82	Jan-00	Oct-04		\$4,893,610	\$1,127,451				\$1,127,451	\$52,397	\$1,075,054	\$52,397	
9	TE-41	USFWS	SP	Mandalay Bank Protection	Jan-00	Jan-00	Sep-03	\$1,646,438	\$12,469				\$12,469	\$12,469		\$9,587	
9	TE-37	EPA	BI	New Cut Dune	Jan-00	Jan-01		\$12,678,829	\$35,829		\$264,171		\$300,000	\$300,000		\$300,000	
9	MR-11	COE	SD	Periodic Intro of Sed & Nutrients	Jan-00	Jan-00											
9	CS-30	NRCS	SP	Perry Ridge 2	Jan-00	Jan-01	Jul-02	\$1,631,810	\$511,061				\$511,061	\$56,556	\$454,505	\$45,000	
9	TE-40	EPA	BI	Timbalier Island Dune	Jan-00	Jan-03		\$16,527,789									
10	BS-11	USFWS	SD	Delta Mgmt at Fort St. Philip	Jan-01	Aug-02		\$1,957,999	\$841,706				\$841,706	\$12,457	\$829,249	\$12,457	
10	CS-32	USFWS	HR	East Sabine Lake	Jan-01	Nov-03		\$5,428,090	\$988,410				\$988,410	\$13,367	\$975,043	\$13,367	
10	ME-19	USFWS	SP	Grand-White Lake	Jan-01	Aug-02	Oct-04	\$4,587,619	\$4,841,126				\$4,841,126	\$1,128,191	\$3,712,935	\$1,125,923	
10	PO-30	EPA	SP	Lake Borgne	Jan-01	Feb-06		\$15,834,368	\$2,739,077				\$2,739,077	\$2,419,098	\$319,979	\$2,419,098	
10	TE-44	USFWS	SP	North Lake Merchant	Jan-01	Aug-02		\$28,576,125	\$2,254,028				\$2,254,028	\$325,307	\$1,928,721	\$325,307	
10	TE-45	USFWS/EPA	DE	Terrebonne Bay Demo	Jan-01	Jan-01		\$2,004,237	\$48,700				\$48,700	\$48,700		\$48,700	
11	BA-38	NMFS	BI	Barataria Barrier Island	Jan-02	Jan-04		\$65,956,167	\$1,297,477				\$1,297,477	\$237,011	\$1,060,466	\$237,011	
11	BA-27d	NRCS	SP	Barataria Landbridge - Ph 4	Jan-02	Jan-04		\$10,279,321	\$11,139,979				\$11,139,979	\$6,621,561	\$4,518,418	\$6,621,561	
11	LA-03b	NRCS	HC	Coastwide Nutria Control Prog	Jan-02	Apr-02		\$3,083,981	\$62,897,814				\$62,897,814	\$17,029,668	\$45,868,146	\$10,735,778	
11	BA-37	NMFS	SP	Little Lake	Jan-02	Nov-03		\$33,852,804	\$4,602,045				\$4,602,045	\$115,320	\$4,486,725	\$115,320	
11	BS-35	NMFS	BI	Pass Chalant to Grand Bayou Pass	Jan-02	Feb-06		\$26,521,287	\$3,055,456				\$3,055,456	\$2,449,085	\$606,371	\$2,449,085	
11	TE-48	NRCS	SP	Raccoon Island SP	Jan-02	Oct-04		\$7,646,927	\$187,976				\$187,976	\$25,043	\$162,933	\$25,043	
11	TE-46	USFWS	SP	West Lake Boudreaux	Jan-02	Feb-06		\$14,408,763	\$3,069,126				\$3,069,126	\$1,543,213	\$1,525,913	\$1,543,213	
11	CS-31	NRCS	SP	Holly Beach (Complex)	Aug-01	Aug-01	Mar-03	\$13,509,233	\$340,000				\$340,000	\$340,000		\$298,553	
12	LA-05	NRCS	DE	Freshwater Floating Marsh Demo	Jan-03	Jan-03		\$661,195	\$50,077				\$50,077	\$50,077		\$50,077	
12	ME-22	COE	SP	South White Lake	Jan-03	Oct-04	Aug-06	\$15,660,661	\$3,961,168				\$3,961,168	\$20,466	\$3,940,702	\$20,466	
13	LA-06	COE	DE	Shoreline Prot Foun Imprvt	Jan-04	Jan-04	Aug-06	\$804,153									
Total								\$309,066,683	\$112,216,954		\$264,171		\$112,481,125	\$32,876,578	\$79,604,547	\$26,503,683	
Cash Flow Projects Not Approved for Phase II																	
9	AT-04	NMFS	SD	Castille Pass	Jan-00			\$20,945,138	\$10,114,094				\$10,114,094				
9	BA-30	NMFS	BI	East Grand Terre	Jan-00			\$26,997,707	\$3,470,652				\$3,470,652				
9	TV-11b	COE	HR	Freshwater Bayou Canal	Jan-00			\$27,154,588	\$2,896,886				\$2,896,886				
9	ME-17	NRCS	HR	Little Pecan Bayou	Jan-00			\$11,008,599	\$3,132,080				\$3,132,080				
9	PO-26	COE	FD	Opportunistic Use of Bonnet Carre	Jan-00			\$86,854									
9	TE-39	NRCS	FD	South Lake DeCade	Jan-00			\$2,857,785	\$965,345				\$965,345				
9	TV-19	COE	SP	Weeks Bay	Jan-00			\$14,074,874	\$342,427				\$342,427				
10	MR-13	COE	SD	Benny's Bay Diversion	Jan-01			\$14,688,515	\$15,589,101				\$15,589,101				
10	BS-10	COE	SD	Delta Bldg Divr N of Fort St. Philip	Jan-01			\$6,012,500									
10	TE-43	NRCS/USFWS	SP	GIWW Bank Rest in Terrebonne	Jan-01			\$13,299,683	\$4,385,832				\$4,385,832				
10	ME-18	NMFS	SP	Rocketfeller Refuge	Jan-01			\$67,836,000	\$28,060,200				\$28,060,200				
10	BA-34	EPA	FD	Small Freshwater Divr to NW Bara Basin	Jan-01			\$11,260,400	\$2,132,200				\$2,132,200				
11	BA-36	USFWS	MC	Dedicated Dredging on Bara Basin LB	Jan-02			\$36,193,083	\$149,568				\$149,568				
11	ME-21	COE	SP	Grand Lake	Jan-02			\$15,074,391	\$9,024,287				\$9,024,287				
11	PO-29	EPA	SW	Maurepas Swamp Diversion	Aug-01			\$54,636,400	\$2,005,800				\$2,005,800				
11	TE-47	EPA	BI	Ship Shoal: West Flank Restoration	Jan-02			\$52,598,407	\$149,568				\$149,568				
11	ME-20	USFWS	HR	South Grand Cheniere	Jan-02			\$19,307,700	\$679,800				\$679,800				
12	TE-49	COE	SD	Avoca Island LB and Divr	Jan-03			\$17,206,200	\$1,640,200				\$1,640,200				
12	BA-39	EPA	MC	Bayou Dupont	Jan-03			\$24,231,000	\$148,000				\$148,000				
12	PO-21	COE	SP	Lake Borgne/MRGO	Jan-03			\$14,633,352	\$34,872,503				\$34,872,503				
12	MR-12	COE	ST	Mississippi River Sediment Trap	Aug-02			\$52,166,200									
13	TV-20	NRCS	SP	Bayou Sale	Jan-04			\$22,885,300	\$9,200,300				\$9,200,300				
13	PO-33	USFWS	MC	Goose Point	Jan-04			\$20,131,010	\$718,071				\$718,071				
13	MR-14	COE	SD	Spanish Pass	Jan-04			\$12,261,000	\$1,649,400				\$1,649,400				
13	TE-50	EPA	BI	Whiskey Island Backbarrier M.C.	Jan-04			\$21,645,900	\$123,000				\$123,000				
14	TV-21	EPA	MC	East Marsh Island	Feb-05			\$16,587,000	\$220,000				\$220,000				
14	BA-40	NMFS	BI	Riverine/Scofield Island	Feb-05			\$40,711,000	\$3,316,700				\$3,316,700				
14	BA-41	NRCS	SP	South Shore of the Pen	Feb-05			\$14,134,000	\$3,247,900				\$3,247,900				
14	BS-12	NRCS	FD	White Ditch Resurrection	Feb-05			\$12,809,000	\$2,018,192				\$2,018,192				
15	BS-13	COE/EPA	FD	Bayou Lamoque	Feb-06			\$3,997,398	\$601,361				\$601,361				
15	BA-42	USFWS	MC	Lake Hermitage	Feb-06			\$30,367,462	\$2,286,190				\$2,286,190				
15	ME-23	NMFS	FD	South Pecan Island	Feb-06			\$3,802,097	\$616,923				\$616,923				
15	MR-15	COE/EPA	MC	Venice Ponds	Feb-06			\$7,875,748	\$1,097,532				\$1,097,532				
16	PO-34	COE/NRCS	MP	Alligator Bend	Oct-06			\$18,939,952	\$760,987				\$760,987				
16	TE-53	EPA	DE	Enhancement of Barrier Island Demo	Oct-06			\$732,028	\$186,031				\$186,031				
16	TE-51	NMFS	MC	Madison Bay Marsh Creation	Oct-06			\$31,683,890	\$649,613				\$649,613				
16	ME-24	COE	SP	SW LA Gulf Shoreline	Oct-06			\$16,298,577	\$20,604,821				\$20,604,821				
16	TE-52	NMFS	MC	West Belle Pass Barrier Headland	Oct-06			\$29,406,778	\$3,137,480				\$3,137,480				
Total								\$806,437,516	\$170,193,044				\$170,193,044				
Grand Total								\$1,352,155,508	\$315,924,962	\$46,122,980	\$14,821,775	\$5,036,342	\$349,672,075	\$98,593,504	\$80,885,527	\$72,601,384	

O&M Costs	(Millions) PPL 1-8	(Millions) PPL9+ (approved for Phase II)	(Millions) PPL9+ (NOT approved for Phase II)	
No. of Projects	68	27	38	133
First Cost (Construction)	236.7	309.1	806.4	
Baseline O&M	33.5	112.2	170.2	
Re-evaluation O&M (1999)	46.1	112.2	170.2	
Current O&M Estimate	67.0	112.5	170.2	
	28.31%	36.39%	21.10%	



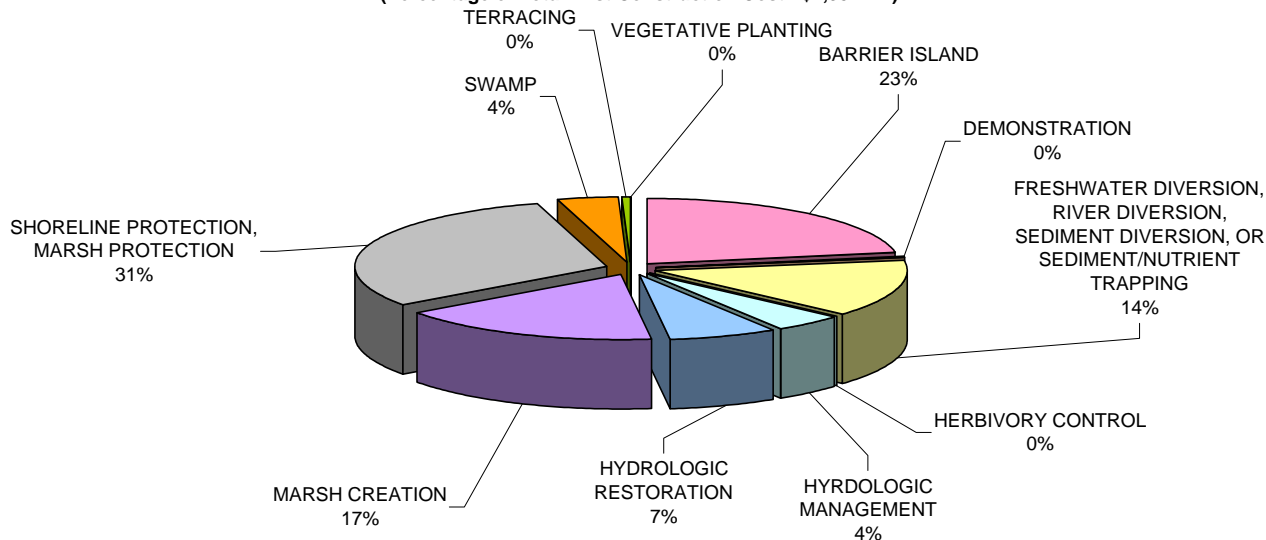
STATUS OF MONITORING AND O&M WORK ITEMS										
PPL	Proj No.	Agency	Project Type	Project	Project Auth Date	Phase II Approval	Const Compl	First Cost	Baseline O&M Estimate	Baseline + Future Increments
1	TE-20	EPA	BI	Isles Dernieres (Ph 0)	Oct-91		Jun-99	\$8,250,886		
1	TE-18	NRCS	BI	Veg Plntgs - Timbalier Island	Oct-91		Jul-96	\$195,566	\$31,538	\$24,375
2	TE-24	EPA	BI	Isles Dernieres (Ph 1)	Oct-92		Jun-99	\$10,617,170		
3	TE-25	NMFS	BI	East Timbalier #1	Oct-93		May-01	\$3,586,950		
3	TE-27	EPA	BI	Whiskey Island Restoration	Oct-93		Jun-00	\$6,967,273		
4	TE-30	NMFS	BI	East Timbalier #2	Dec-94		Jan-00	\$7,455,822		
9	BA-30	NMFS	BI	East Grand Terre	Jan-00			\$26,997,707	\$3,470,652	\$3,470,652
9	TE-37	EPA	BI	New Cut Dune	Jan-00	Jan-01		\$12,678,829	\$35,829	\$300,000
9	TE-40	EPA	BI	Timbalier Island Dune	Jan-00	Jan-03		\$16,527,789		
11	BA-38	NMFS	BI	Barataria Barrier Island	Jan-02	Jan-04		\$65,956,167	\$1,297,477	\$1,297,477
11	BS-35	NMFS	BI	Pass Chaland to Grand Bayou Pass	Jan-02	Feb-06		\$26,521,287	\$3,055,456	\$3,055,456
11	TE-47	EPA	BI	Ship Shoal: West Flank Restoration	Jan-02			\$52,598,407	\$149,568	\$149,568
13	TE-50	EPA	BI	Whiskey Island Backbarrier M.C.	Jan-04			\$21,645,900	\$123,000	\$123,000
14	BA-40	NMFS	BI	Riverine/Scofield Island	Feb-05			\$40,711,000	\$3,316,700	\$3,316,700
<b>BARRIER ISLAND</b>								<b>\$300,710,753</b>	<b>\$11,480,220</b>	<b>\$11,737,228</b>
10	TE-45	USFWS/EPA	DE	Terrebonne Bay Demo	Jan-01	Jan-01		\$2,004,237	\$48,700	\$48,700
12	LA-05	NRCS	DE	Freshwater Floating Marsh Demo	Jan-03	Jan-03		\$661,195	\$50,077	\$50,077
13	LA-06	COE	DE	Shoreline Prot Foun Imprvt	Jan-04	Jan-04	Aug-06	\$804,153		
16	TE-53	EPA	DE	Enhancement of Barrier Island Demo	Oct-06			\$732,028	\$186,031	\$186,031
<b>DEMONSTRATION</b>								<b>\$4,201,613</b>	<b>\$284,808</b>	<b>\$284,808</b>
5	TE-10	FWS	FD	Grand Bayou	Feb-96			\$4,239,675	\$1,073,523	\$2,744,800
6	TE-32a	FWS	FD	Lake Boudreaux	Apr-97			\$6,415,302	\$2,546,363	\$3,245,424
9	ME-16	USFWS	FD	Freshwater Intro. S of Hwy 82	Jan-00	Oct-04		\$4,893,610	\$1,127,451	\$1,127,451
9	PO-26	COE	FD	Opportunistic Use of Bonnet Carre	Jan-00			\$86,854		
9	TE-39	NRCS	FD	South Lake DeCade	Jan-00			\$2,857,785	\$965,345	\$965,345
10	BA-34	EPA	FD	Small Freshwater Divr to NW Bara Basin	Jan-01			\$11,260,400	\$2,132,200	\$2,132,200
14	BS-12	NRCS	FD	White Ditch Resurrection	Feb-05			\$12,809,000	\$2,018,192	\$2,018,192
15	BS-13	COE/EPA	FD	Bayou Lamoque	Feb-06			\$3,997,398	\$601,361	\$601,361
15	ME-23	NMFS	FD	South Pecan Island	Feb-06			\$3,802,097	\$616,923	\$616,923
1	MR-03	COE	RD	West Bay	Oct-91		Nov-03	\$6,453,022	\$4,466,403	\$15,142,908
2	AT-02	NMFS	RD	Atchafalaya Sediment Del	Oct-92		Mar-98	\$1,866,945		\$452,452
3	MR-06	COE	RD	Channel Armor Gap	Oct-93		Nov-97	\$495,207		
6	MR-09	NMFS	SD	Delta-Wide Crevasses	Apr-97			\$769,394	\$3,470,239	\$3,695,207
9	AT-04	NMFS	SD	Castille Pass	Jan-00			\$20,945,138	\$10,114,094	\$10,114,094
9	MR-11	COE	SD	Periodic Intro of Sed & Nutrients	Jan-00	Jan-00				
10	MR-13	COE	SD	Benny's Bay Diversion	Jan-01			\$14,688,515	\$15,589,101	\$15,589,101
10	BS-10	COE	SD	Delta Bldg Divr N of Fort St. Philip	Jan-01			\$6,012,500		
10	BS-11	USFWS	SD	Delta Mgmt at Fort St. Philip	Jan-01	Aug-02		\$1,957,999	\$841,706	\$841,706
12	TE-49	COE	SD	Avoca Island LB and Divr	Jan-03			\$17,206,200	\$1,640,200	\$1,640,200
13	MR-14	COE	SD	Spanish Pass	Jan-04			\$12,261,000	\$1,649,400	\$1,649,400
5	TV-12	NMFS	ST	Little Vermilion	Feb-96		Aug-99	\$548,747		\$193,807
6	TV-16	NRCS	ST	Cheniere au Tigre	Apr-97		Nov-01	\$545,710	\$3,000	\$24,802
6	TV-15	NMFS	ST	Jaws Sediment Trapping	Apr-97		May-05	\$2,986,841		\$256,471
12	MR-12	COE	ST	Mississippi River Sediment Trap	Aug-02			\$52,166,200		
<b>FRESHWATER DIVERSION, RIVER DIVERSION, SEDIMENT DIVERSION, OR SEDIMENT/NUTRIENT TRAPPING</b>								<b>\$189,265,539</b>	<b>\$48,855,501</b>	<b>\$63,051,844</b>
11	LA-03b	NRCS	HC	Coastwide Nutria Control Prog	Jan-02	Apr-02		\$3,083,981	\$62,897,814	\$62,897,814
<b>HERBIVORY CONTROL</b>								<b>\$3,083,981</b>	<b>\$62,897,814</b>	<b>\$62,897,814</b>
1	BA-02	NRCS	HM	BA-2 GIWW to Clovelly	Oct-91		Oct-00	\$6,444,428	\$1,952,936	\$1,235,079
1	PO-16	FWS	HM	Bayou Sauvage #1	Oct-91		May-96	\$975,501	\$290,087	\$294,364
1	CS-17	FWS	HM	Cameron Creole	Oct-91		Jan-97	\$418,539	\$92,953	\$198,245
2	PO-18	FWS	HM	Bayou Sauvage #2	Oct-92		May-97	\$993,885	\$283,768	\$367,239
2	CS-09	NRCS	HM	Brown Lake	Oct-92		Jan-08	\$1,949,100	\$444,992	\$432,226
2	BS-03a	NRCS	HM	Caernarvon Outfall Mgmt	Oct-92		Jun-02	\$2,526,130	\$94,223	\$1,172,767
2	ME-04	NRCS	HM	Freshwater Bayou	Oct-92		Aug-98	\$1,305,271	\$632,201	\$1,258,566
2	PO-06	NRCS	HM	Fritchie Marsh	Oct-92		Mar-01	\$1,060,816	\$399,926	\$225,211
2	CS-21	NRCS	HM	Hwy 384	Oct-92		Jan-00	\$317,725	\$149,454	\$345,898
2	BA-20	NRCS	HM	Jonathan Davis Wetland	Oct-92			\$20,759,127	\$323,283	\$7,310,604
2	CS-20	NRCS	HM	Mud Lake	Oct-92		Jun-96	\$1,399,437	\$382,306	\$1,323,955
2	TE-22	NMFS	HM	Point Au Fer	Oct-92		May-97	\$2,292,946		\$829,429
3	TE-28	NRCS	HM	Brady Canal Hydro Rest	Oct-93		May-00	\$2,851,182	\$1,267,703	\$1,344,038
3	CS-04a	NRCS	HM	Cameron Creole Maintenance	Oct-93				\$3,719,926	\$6,571,519
3	TV-04	NRCS	HM	Cote Blanche	Oct-93		Dec-98	\$4,593,826	\$386,790	\$2,508,340
3	TE-26	NMFS	HM	Lake Chapeau	Oct-93		May-99	\$4,202,155		\$1,205,555
3	PO-19	COE	HM	MRGO Back Dike	Oct-93					
3	CS-23	FWS	HM	Sabine Structures (Hog Island)	Oct-93		Sep-03	\$3,124,337	\$778,562	\$567,987
3	BA-04c	NRCS	HM	West Pt-a-la-Hache	Oct-93			\$2,401,852	\$145,046	\$829,138
5	BA-03c	NRCS	HM	Naomi	Feb-96		Jul-02	\$1,103,277	\$115,313	\$488,980
<b>HYDROLOGIC MANAGEMENT</b>								<b>\$58,719,534</b>	<b>\$11,459,469</b>	<b>\$28,509,140</b>
6	CS-27	NMFS	HR	Black Bayou Hydrologic Rest	Apr-97		Nov-03	\$4,540,693	\$409,465	\$592,986
6	TV-14	COE	HR	Marsh Island	Apr-97		Dec-01	\$3,769,541	\$151,479	\$700,000
6	TV-13a	NRCS	HR	Oaks/Avery Canals	Apr-97		Oct-02	\$1,928,516	\$323,026	\$323,000
6	TE-34	NRCS	HR	Penchant Basin	Apr-97			\$11,392,102	\$1,855,804	\$1,855,804
8	PO-24	NMFS	HR	Hopedale	Jan-99		Jan-05	\$1,342,697	\$449,209	\$449,209
8	ME-11	NRCS	HR	Humble Canal	Jan-99		Mar-03	\$616,133	\$239,858	\$239,858
8	TV-17	NRCS	HR	Lake Portage	Jan-99		May-04	\$988,890	\$105,143	\$105,143
9	CS-29	NRCS	HR	Black Bayou Bypass Culverts	Jan-00	Aug-03		\$5,121,593	\$812,972	\$812,972
9	TV-11b	COE	HR	Freshwater Bayou Canal	Jan-00			\$27,154,588	\$2,896,886	\$2,896,886
9	ME-17	NRCS	HR	Little Pecan Bayou	Jan-00			\$11,008,599	\$3,132,080	\$3,132,080
10	CS-32	USFWS	HR	East Sabine Lake	Jan-01	Nov-03		\$5,428,090	\$988,410	\$988,410
11	ME-20	USFWS	HR	South Grand Cheniere	Jan-02			\$19,307,700	\$679,800	\$679,800
<b>HYDROLOGIC RESTORATION</b>								<b>\$92,599,142</b>	<b>\$12,044,132</b>	<b>\$12,776,148</b>



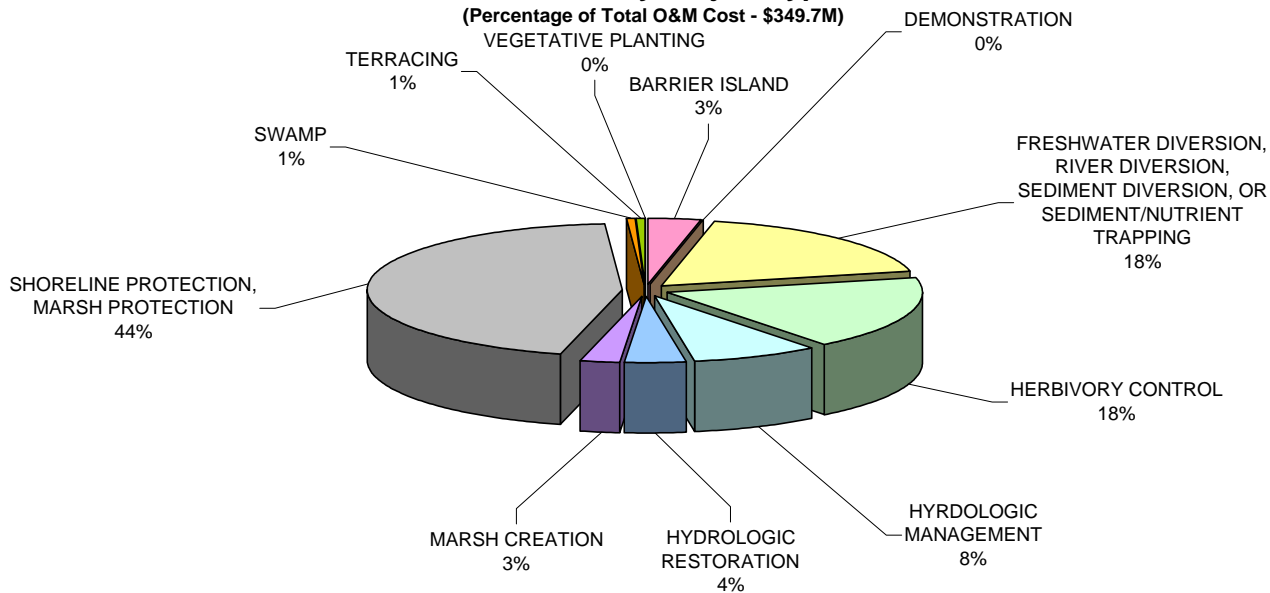
STATUS OF MONITORING AND O&M WORK ITEMS										
PPL	Proj No.	Agency	Project Type	Project	Project Auth Date	Phase II Approval	Const Compl	First Cost	Baseline O&M Estimate	Baseline + Future Increments
1	BA-19	COE	MC	Barataria Bay Marsh Creation	Oct-91		Oct-96	\$1,102,832	\$1,390,602	
1	PO-17	COE	MC	Bayou LaBranche	Oct-91		Apr-94	\$3,543,345		\$560
2	AT-03	NMFS	MC	Big Island Mining (Incrmnt 1)	Oct-92		Oct-98	\$6,461,638		\$409,773
2	TE-23	COE	MC	West Belle Pass	Oct-92			\$6,152,995	\$228,252	\$434,475
8	CS-28-1	COE	MC	Sabine Refuge M.C., Cycle 1	Jan-99		Feb-02	\$3,393,998	\$50,174	\$2,003
8	CS-28-2	COE	MC	Sabine Refuge M.C., Cycle 2	Jan-99			\$9,414,855		
8	CS-28-3	COE	MC	Sabine Refuge M.C., Cycle 3	Jan-99			\$4,495,746		
11	BA-36	USFWS	MC	Dedicated Dredging on Bara Basin LB	Jan-02			\$36,193,083	\$149,568	\$149,568
12	BA-39	EPA	MC	Bayou Dupont	Jan-03			\$24,231,000	\$148,000	\$148,000
13	PO-33	USFWS	MC	Goose Point	Jan-04			\$20,131,010	\$718,071	\$718,071
14	TV-21	EPA	MC	East Marsh Island	Feb-05			\$16,587,000	\$220,000	\$220,000
15	BA-42	USFWS	MC	Lake Hermitage	Feb-06			\$30,367,462	\$2,286,190	\$2,286,190
15	MR-15	COE/EPA	MC	Venice Ponds	Feb-06			\$7,875,748	\$1,097,532	\$1,097,532
16	TE-51	NMFS	MC	Madison Bay Marsh Creation	Oct-06			\$31,683,890	\$649,613	\$649,613
16	TE-52	NMFS	MC	West Belle Pass Barrier Headland	Oct-06			\$29,406,778	\$3,137,480	\$3,137,480
<b>MARSH CREATION</b>								<b>\$231,041,380</b>	<b>\$10,075,482</b>	<b>\$9,253,265</b>
1	ME-09	FWS	SP	Cameron Prairie	Oct-91		Aug-94	\$912,887		\$213,059
1	CS-18	FWS	SP	Sabine Wildlife Refuge	Oct-91		Mar-95	\$1,210,753	\$1,218,750	\$294,521
1	TV-03	COE	SP	Vermilion River	Oct-91		Feb-96	\$1,695,284	\$204,258	\$235,937
2	CS-22	COE	SP	Clear Marais	Oct-92		Mar-97	\$2,792,476	\$180,279	\$796,394
2	TV-09	NRCS	SP	Vermilion Bay/Boston Canal	Oct-92		Nov-95	\$679,139	\$196,226	\$195,775
3	BA-15	NMFS	SP	Lake Salvador	Oct-93		Jun-98	\$2,421,519	\$280,282	\$300,025
4	BA-23	NRCS	SP	BBWW "Dupre Cut" (West)	Dec-94		Nov-00	\$2,135,773	\$116,934	\$746,260
5	PO-22	COE	SP	Bayou Chevee	Feb-96		Dec-01	\$2,208,532	\$670,058	\$236,693
5	ME-13	NRCS	SP	Freshwater Bayou Bank Stab.	Feb-96		Jun-98	\$1,911,055	\$274,953	\$575,510
5	CS-24	NRCS	SP	Perry Ridge Bank Protection	Feb-96		Feb-99	\$1,710,877	\$69,332	\$424,509
5	TE-29	NRCS	SP	Racoon Island Breakwaters	Feb-96		Jul-97	\$1,573,970	\$24,464	\$29,034
5	CS-11b	NRCS	SP	Sweet Lake/Willow Lake, Ph 1	Feb-96		Oct-02	\$3,603,233	\$248,588	\$478,513
6	BA-26	NRCS	SP	BBWW "Dupre Cut" (East)	Apr-97		May-01	\$3,917,187	\$213,968	\$1,228,499
7	BA-27	NRCS	SP	Barataria Landbridge - Ph 1 & 2	Jan-98			\$27,735,099	\$1,460,288	\$1,525,609
9	BA-27c	NRCS	SP	Barataria Landbridge - Ph 3	Jan-00	Jan-02		\$12,781,000	\$5,748,325	\$5,748,325
9	TE-41	USFWS	SP	Mandalay Bank Protection	Jan-00	Jan-00	Sep-03	\$1,646,438	\$12,469	\$12,469
9	CS-30	NRCS	SP	Perry Ridge 2	Jan-00	Jan-01	Jul-02	\$1,631,810	\$511,061	\$511,061
9	TV-19	COE	SP	Weeks Bay	Jan-00			\$14,074,874	\$342,427	\$342,427
10	TE-43	NRCS/USFWS	SP	GIWW Bank Rest in Terrebonne	Jan-01			\$13,299,683	\$4,385,832	\$4,385,832
10	ME-19	USFWS	SP	Grand-White Lake	Jan-01	Aug-02	Oct-04	\$4,587,619	\$4,841,126	\$4,841,126
10	PO-30	EPA	SP	Lake Borgne	Jan-01	Feb-06		\$15,834,368	\$2,739,077	\$2,739,077
10	TE-44	USFWS	SP	North Lake Merchant	Jan-01	Aug-02		\$28,576,125	\$2,254,028	\$2,254,028
10	ME-18	NMFS	SP	Rockefeller Refuge	Jan-01			\$67,836,000	\$28,060,200	\$28,060,200
11	BA-27d	NRCS	SP	Barataria Landbridge - Ph 4	Jan-02	Jan-04		\$10,279,321	\$11,139,979	\$11,139,979
11	ME-21	COE	SP	Grand Lake	Jan-02			\$15,074,391	\$9,024,287	\$9,024,287
11	BA-37	NMFS	SP	Little Lake	Jan-02	Nov-03		\$33,852,804	\$4,602,045	\$4,602,045
11	TE-48	NRCS	SP	Racoon Island SP	Jan-02	Oct-04		\$7,646,927	\$187,976	\$187,976
11	TE-46	USFWS	SP	West Lake Boudreaux	Jan-02	Feb-06		\$14,408,763	\$3,069,126	\$3,069,126
11	CS-31	NRCS	SP	Holly Beach (Complex)	Aug-01	Aug-01	Mar-03	\$13,509,233	\$340,000	\$340,000
12	PO-21	COE	SP	Lake Borgne/MRGO	Jan-03			\$14,633,352	\$34,872,503	\$34,872,503
12	ME-22	COE	SP	South White Lake	Jan-03	Oct-04	Aug-06	\$15,660,661	\$3,961,168	\$3,961,168
13	TV-20	NRCS	SP	Bayou Sale	Jan-04			\$22,885,300	\$9,200,300	\$9,200,300
14	BA-41	NRCS	SP	South Shore of the Pen	Feb-05			\$14,134,000	\$3,247,900	\$3,247,900
16	ME-24	COE	SP	SW LA Gulf Shoreline	Oct-06			\$16,298,577	\$20,604,821	\$20,604,821
16	PO-34	COE/NRCS	MP	Alligator Bend	Oct-06			\$18,839,952	\$760,987	\$760,987
<b>SHORELINE PROTECTION, MARSH PROTECTION</b>								<b>\$411,998,982</b>	<b>\$155,064,017</b>	<b>\$157,185,975</b>
11	PO-29	EPA	SW	Maurepas Swamp Diversion	Aug-01			\$54,636,400	\$2,005,800	\$2,005,800
<b>SWAMP</b>								<b>\$54,636,400</b>	<b>\$2,005,800</b>	<b>\$2,005,800</b>
7	ME-14	NMFS	TR	Pecan Island Terracing	Jan-98		Sep-03	\$2,040,411		\$200,006
9	TV-18	NMFS	TR	Four-Mile Canal	Jan-00	Jan-03	May-04	\$2,248,970	\$1,654,682	\$1,654,682
<b>TERRACING</b>								<b>\$4,289,381</b>	<b>\$1,654,682</b>	<b>\$1,854,688</b>
1	TE-17	NRCS	VP	Veg Plntgs - Falgout Canal	Oct-91		Dec-96	\$118,405	\$31,537	\$24,375
1	CS-19	NRCS	VP	Veg Plntgs - West Hackberry	Oct-91		Mar-94	\$162,290	\$31,538	\$24,375
4	CS-25	NRCS	VP	Plowed Terraces Demo	Dec-94		Aug-00	\$280,216		\$3,972
7	BA-28	NMFS	VP	Grand Terre	Jan-98		Jul-01	\$284,178	\$39,962	\$62,643
9	PO-27	NMFS	VP	Chandeleur Island Rest	Jan-00	Jan-00	Jul-01	\$763,714		
<b>VEGETATIVE PLANTING</b>								<b>\$1,608,803</b>	<b>\$103,037</b>	<b>\$115,365</b>
								#####	<b>\$315,924,962</b>	<b>\$349,672,075</b>
								First Cost	Baseline	Baseline +
									O&M Estimate	Future Increments
<b>BARRIER ISLAND</b>								<b>\$300,710,753</b>	<b>\$11,480,220</b>	<b>\$11,737,228</b>
<b>DEMONSTRATION</b>								<b>\$4,201,613</b>	<b>\$284,808</b>	<b>\$284,808</b>
<b>FRESHWATER DIVERSION, RIVER DIVERSION, SEDIMENT DIVERSION, OR SEDIMENT/NUTRIENT TRAPPING</b>								<b>\$189,265,539</b>	<b>\$48,855,501</b>	<b>\$63,051,844</b>
<b>HERBIVORY CONTROL</b>								<b>\$3,083,981</b>	<b>\$62,897,814</b>	<b>\$62,897,814</b>
<b>HYDROLOGIC MANAGEMENT</b>								<b>\$58,719,534</b>	<b>\$11,459,469</b>	<b>\$28,509,140</b>
<b>HYDROLOGIC RESTORATION</b>								<b>\$92,599,142</b>	<b>\$12,044,132</b>	<b>\$12,776,148</b>
<b>MARSH CREATION</b>								<b>\$231,041,380</b>	<b>\$10,075,482</b>	<b>\$9,253,265</b>
<b>SHORELINE PROTECTION, MARSH PROTECTION</b>								<b>\$411,998,982</b>	<b>\$155,064,017</b>	<b>\$157,185,975</b>
<b>SWAMP</b>								<b>\$54,636,400</b>	<b>\$2,005,800</b>	<b>\$2,005,800</b>
<b>TERRACING</b>								<b>\$4,289,381</b>	<b>\$1,654,682</b>	<b>\$1,854,688</b>
<b>VEGETATIVE PLANTING</b>								<b>\$1,608,803</b>	<b>\$103,037</b>	<b>\$115,365</b>
								#####	<b>\$315,924,962</b>	<b>\$349,672,075</b>

STATUS OF MONITORING AND O&M WORK ITEMS										
PPL	Proj No.	Agency	Project Type	Project	Project Auth Date	Phase II Approval	Const Compl	First Cost	Baseline O&M Estimate	Baseline + Increases and Future Increments

**First Construction Cost by Project Type**  
(Percentage of Total First Construction Cost - \$1,352.2M)



**O&M Cost by Project Type**  
(Percentage of Total O&M Cost - \$349.7M)





## CWPPRA: Project Types

BI	Barrier Island
CP	Conservation Plan
DE	Demo
DS	Project Design Only
FD	Freshwater Diversion
HC	Herbivory Control
HM	Hydrologic Management
HR	Hydrologic Restoration
IR	Island Restoration
MC	Marsh Creation
MM	Marsh Management
MP	Marsh Protection
MT	Monitoring
OM	O&M
RD	Riverine Diversion
SD	Sediment Diversion
SP	Shoreline Protection
ST	Sediment/Nutrient Trapping
SW	Swamp
TR	Terracing
VP	Vegetative Plantings
WC	Wetland Creation

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

December 6, 2006

**DISCUSSION: COASTWIDE REFERENCE MONITORING SYSTEM (CRMS)-  
WETLANDS MONITORING**

CRMS Summary  
CWPPRA Technical Committee Meeting  
December 6, 2006

Questions from the Technical Committee and Task Force:

**1) Summary of current data available (at what locations is data available? What type of data is available?)**

*CRMS data currently available through DNR SONRIS database/website, USGS website, or CRMS project page on CWPPRA website:*

*Continuous Hydrographic – 68 CRMS sites*

*Porewater Salinity – 93 CRMS sites*

*Soil Properties – 85 CRMS sites*

*Surface Elevation – 26 CRMS sites*

*Aerial photography (collected in 2005) – 91 CRMS sites*

*Satellite Imagery (collected in 2005) - coastwide*

*Additional CRMS data that will be available in the short-term pending finalization of QA/QC procedures:*

*Continuous Hydrographic – 35 CRMS sites, plus additional data not currently in the SONRIS database from other 68 CRMS sites*

*Vegetation – 221 CRMS sites*

*Aerial photography – 14 CRMS sites*

**2) Landrights issues and what percentage of stations will not be able to be located as planned due to landrights? How does this impact the ability to monitor on a coast-wide basis?**

*Most landrights issues are being resolved and now only the area around the Biloxi Marshes in the extreme eastern end of the Pontchartrain Basin is not available to establish CRMS sites. This will not impact the CRMS design or the ability to effectively monitor on a coast-wide basis. Currently, landrights have been secured on 85% of all CRMS year-one sites.*

**3) When do we get beyond the “start point” and begin to see results (at what point can the data collected be useful to analyze data on a coast-wide basis)?**

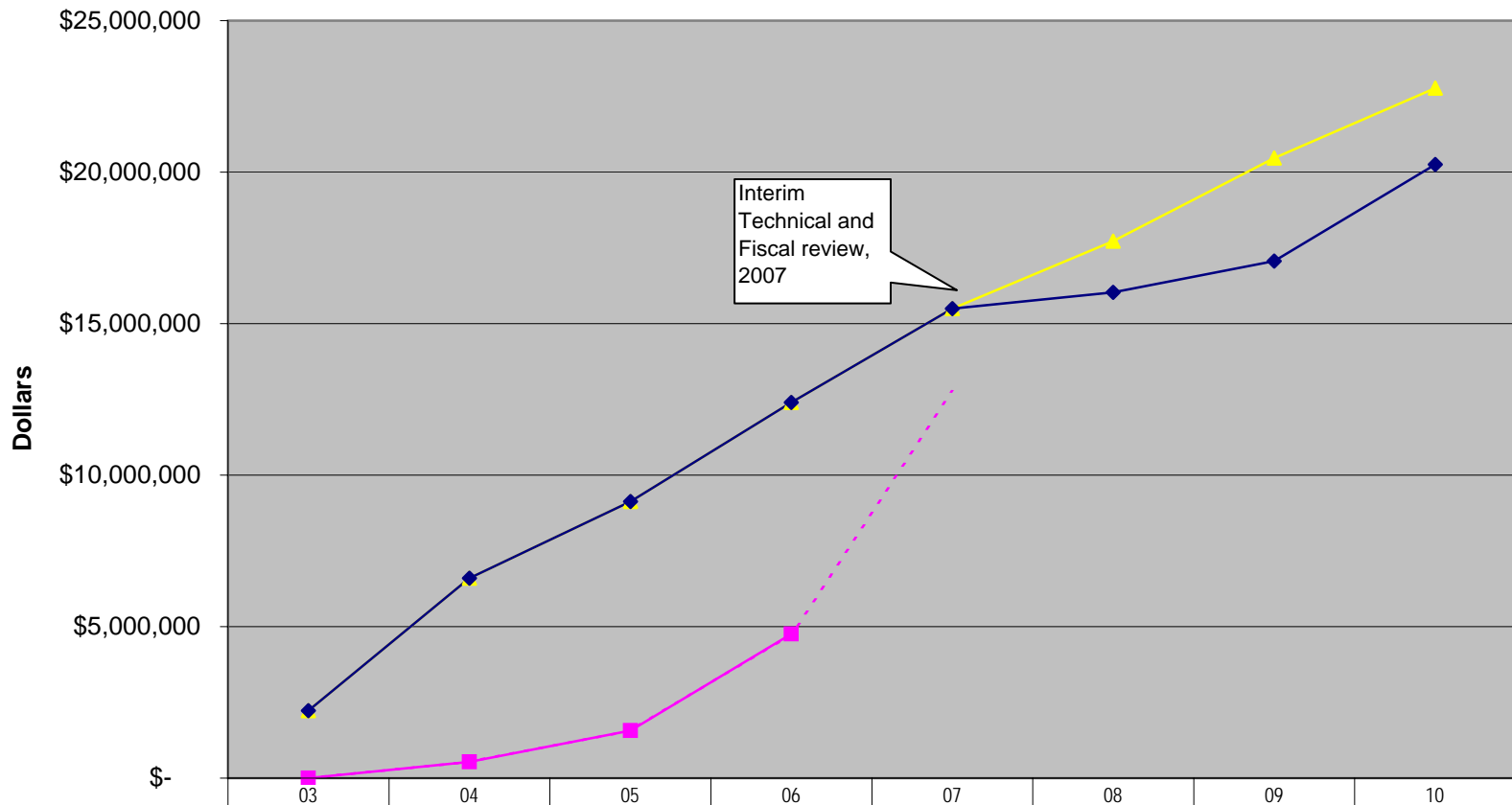
*The CRMS coastwide satellite imagery that was collected in October 2005 has been used to assess new open water areas that formed across the coast following the hurricanes of 2005 (Barras 2006) and to assess CWPPRA project impacts. The results of this work have been critical in establishing a new baseline condition for restoration planning and assessment in coastal Louisiana. The current starting point for the collection of temporal data is set for March 2007. At this time, we anticipate having all year-one CRMS sites established and collecting data. The results from the first year of data collection will be used to establish the base vegetation, hydrology and soil conditions in project and reference areas across the coast. The first set of summary analyses will be performed in the summer of 2008 in order to be available for the fall 2008 cycle of CWPPRA meetings (i.e., P&E, Technical Committee, Task Force). However,*

*all raw data will be available as it is collected and can be used to make short-term project-level assessments or to answer other specific questions. The CRMS data will also be used to augment project specific data in the OM&M reports.*

**4) An analysis of expenditures per year versus funds in-hand (does the \$15M in-hand represent the amount needed over the next 3 years (3-year rolling amount of funds) and given an average expenditure rate of \$3M/year – should available funds in-hand be \$9M?). Need to show that funds requested are what is needed over the upcoming 3 years and not just “replace last year’s expenditures” when requesting funding each year.**

*See attached graph for a summary of the projected CRMS budget and CRMS expenditures to date. CRMS expenditures will “catch-up” with budget requests as we move toward meeting our March 2007 target to have all year-one sites constructed and collecting data.*

## CRMS Monitoring Budget



Original 3-year budget	\$2,223,917	\$6,595,722	\$9,133,215	\$12,397,506	\$15,498,863	\$17,724,686	\$20,467,115	\$22,775,793
Authorized 3-year Budget	\$2,223,917	\$6,595,722	\$9,133,215	\$12,397,506	\$15,498,863	\$16,030,863	\$17,066,972	\$20,252,781
Cumulative CRMS Expense	\$-	\$532,000	\$1,568,109	\$4,753,918				
Projected CRMS Expenses	\$-	\$532,000	\$1,568,109	\$4,753,918	\$12,754,096			

Year

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

December 6, 2006

**ADDITIONAL AGENDA ITEMS:**

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

December 6, 2006

**ANNOUNCEMENT: PRIORITY PROJECT LIST 17 REGIONAL PLANNING TEAM MEETINGS**

January 9, 2007	Region IV Planning Team Meeting (Rockefeller Refuge)
January 10, 2007	Region III Planning Team Meeting (Morgan City)
January 11, 2007	Regions I and II Planning Team Meetings (New Orleans)
February 7, 2007	Coast-wide RPT Voting Meeting (Baton Rouge)

**INTERESTED PARTIES****Breaux Act****Coastal Wetlands Planning, Protection and Restoration Act****Regional Planning Team (RPT) Basin Subcommittee Meetings****For the 17<sup>th</sup> Priority Project List****PLEASE READ CAREFULLY**

The CWPPRA Regional Planning Teams (RPT) will meet to develop projects for inclusion into the upcoming 17th Priority Project List (PPL17). At these meetings coastal restoration projects for each coastal region may be proposed. Coastal restoration projects, located within a specific hydrologic basin and region, may be proposed at each Regional Planning Team Meeting (see reverse for a map). The RPTs will examine basin maps, discuss areas of need and Coast 2050 strategies and will accept proposals by hydrologic basin. These proposals will be considered as possible nominees for the PPL 17 project evaluation process. Proposals for demonstration projects will also be accepted at the four RPT meetings. The RPTs will not vote at their individual regional meetings; rather voting for possible nominees will be conducted during a separate coast-wide meeting to be held on February 7, 2007. At the initial RPT meetings, parishes will be asked to identify their official parish representative who will vote at the coast-wide meeting. Parishes will be allowed to vote for demo projects and for nominees in basins that fall within their parish boundaries. At the coast-wide voting meeting two projects per basin will be chosen as nominees (three from Barataria and Terrebonne because of their high loss rates) and 6 demonstration projects will be selected. The final PPL17 Selection Process can be found on the web at [http://www.mvn.usace.army.mil/pd/cwppra\\_mission.htm](http://www.mvn.usace.army.mil/pd/cwppra_mission.htm).

All meetings will be co-chaired by the RPT leader and either a member of the U.S. Army Corps of Engineers or LA Department of Natural Resources to ensure consistency with procedures coast-wide. These meetings will have a formal agenda and written procedures. After the coast-wide voting meeting a lead agency will be assigned to each nominated project in order to develop fact sheets. Schedules for the meetings are given below.

**RPT Meetings (to accept project and demo nominations)**

<b>Region 4</b>	January 9, 2007	10:00 a.m. to 2:00 p.m.	Rockefeller Refuge
<b>Region 3</b>	January 10, 2007	9:00 a.m. to 3:00 p.m.	Morgan City Auditorium
<b>Region 2</b>	January 11, 2007	9:00 a.m. to 12:00 noon	Army Corps of Engineers New Orleans District
<b>Region 1</b>	January 11, 2007	1:00 p.m. to 3:00 p.m.	Army Corps of Engineers New Orleans District

**Coast-wide (All Regions) RPT Voting Meeting (to select up to 20 nominees and 6 demos)**

February 7, 2007    9:30 a.m. to 12:30 p.m.    LA Department of Wildlife and Fisheries  
Baton Rouge

**RPT Leaders**

Region 1	Dan Llewellyn	LA Department of Natural Resources
Region 2	Greg Miller	U.S. Army Corps of Engineers
Region 3	Ronnie Paille	U.S. Fish and Wildlife Service
Region 4	Darryl Clark	U.S. Fish and Wildlife Service

More information regarding CWPPRA activities may be found at the following site:

[www.lacoast.gov/cwppra/](http://www.lacoast.gov/cwppra/)

or

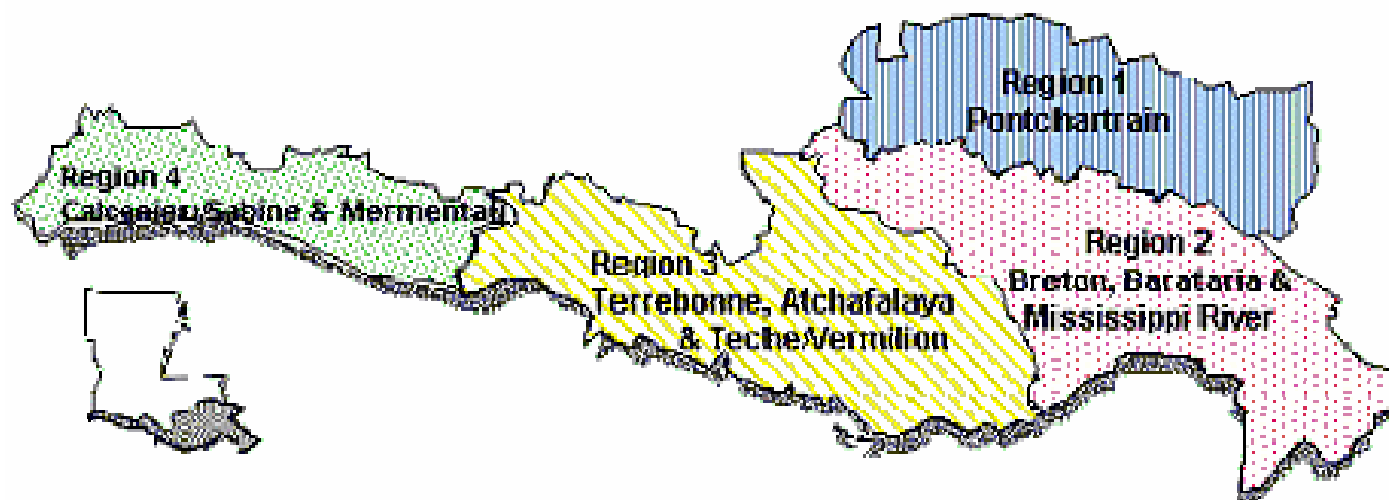
[www.mvn.usace.army.mil/pd/cwppra\\_mission.htm](http://www.mvn.usace.army.mil/pd/cwppra_mission.htm)

If you have any questions, please call Ms. Julie Z. LeBlanc, at (504) 862-1597.

Ms. Julie Z. LeBlanc – Chairman  
Planning and Evaluation Subcommittee



## Coastal Wetlands Planning, Protection and Restoration Act Regions and Basins Map



### **Region**

- Region 1 –
- Region 2 –
- Region 3 –
- Region 4 –

### **Basin**

- Pontchartrain
- Breton, Barataria, and Mississippi River
- Terrebonne, Atchafalaya and Teche/Vermillion
- Calacsieu/Sabine and Mermentau

## **Meeting Location Addresses**

Rockefeller Wildlife Refuge  
 Rockefeller Refuge (Camp next to Headquarters Building.)  
 Grand Cheniere, Louisiana  
 The refuge is located 14 Miles east of Grand Cheniere, just South of Highway 82.

Morgan City Auditorium  
 West Concourse  
 728 Myrtle St.  
 Morgan City, LA

U.S. Army Corps of Engineers -New Orleans District  
 District Assembly Room  
 7400 Leake Ave.  
 New Orleans, LA

LA Department of Wildlife and Fisheries  
 Louisiana Room  
 2000 Quail Dr.  
 Baton Rouge, La.

## APPENDIX A

### PRIORITY LIST 17 SELECTION PROCESS

#### **Coastal Wetlands Planning, Protection and Restoration Act Guidelines for Development of the 17<sup>th</sup> Priority Project List FINAL, 12 Jul 06**

##### **I. Development of Supporting Information**

A. COE staff prepares spreadsheets indicating status of all restoration projects (CWPPRA PL 1-16; Louisiana Coastal Area (LCA) Feasibility Study, Corps of Engineers Continuing Authorities 1135, 204, 206; and State only projects). Also, indicate net acres at the end of 20 years for each CWPPRA project.

B. DNR/USGS staff prepares basin maps indicating:

- 1) Boundaries of the following projects types (PL 1-16; LCA Feasibility Study, COE 1135, 204, 206; and State only).
- 2) Locations of completed projects,
- 3) Projected land loss by 2050 with freshwater diversions at Caernarvon and Davis Pond and including all CWPPRA projects approved for construction through October 2006.
- 4) Regional boundary maps with basin boundaries and parish boundaries included.

##### **II. Areas of Need and Project Nominations**

A. The four Regional Planning Teams (RPTs) meet, examine basin maps, discuss areas of need and Coast 2050 strategies, and accept nomination of projects by hydrologic basin. Nominations for demonstration projects will also be accepted at the four RPT meetings. The RPTs will not vote at their individual regional meetings, rather voting will be conducted during a separate coast-wide meeting. At these initial RPT meetings, parishes will be asked to identify their official parish representative who will vote at the coast-wide RPT meeting.

B. One coast-wide RPT voting meeting will be held after the individual RPT meetings to present and vote for nominees (including demonstration project nominees). The RPTs will choose no more than two projects per basin, except that three projects may be selected from Terrebonne and Barataria Basins because of the high loss rates in those basins. A total of up to 20 projects could be selected as nominees. Selection of the projects nominated per basin will be by consensus, if possible. If voting is required, each officially designated parish representative in the basin will have one vote and each

federal agency and the State will have one vote. The RPTs will also select up to six demonstration project nominees at this coast-wide meeting. Selection of demonstration project nominees will be by consensus, if possible. If voting is required, officially designated representatives from all coastal parishes will have one vote and each federal agency and the State will have one vote.

C. A lead Federal agency will be designated for the nominees and demonstration project nominees to assist LDNR and local governments in preparing preliminary project support information (fact sheet, maps, and potential designs and benefits). The Regional Planning Team Leaders will then transmit this information to the P&E Subcommittee, Technical Committee and members of the Regional Planning Teams.

### III. Preliminary Assessment of Nominated Projects

A. Agencies, parishes, landowners, and other individuals informally confer to further develop projects. Nominated projects should be developed to support one or more Coast 2050 strategies. The goals of each project should be consistent with those of Coast 2050.

B. Each sponsor of a nominated project will prepare a brief Project Description (no more than one page plus a map) that discusses possible features. Fact sheets will also be prepared for demonstration project nominees.

C. Engineering and Environmental Work Groups meet to review project features, discuss potential benefits, and estimate preliminary fully funded cost ranges for each project. The Work Groups will also review the nominated demonstration projects and verify that they meet the demonstration project criteria.

D. P&E Subcommittee prepares matrix of cost estimates and other pertinent information for nominees and demonstration project nominees and furnishes to Technical Committee and Coastal Protection and Restoration Authority (CPRA).

### IV. Selection of Phase 0 Candidate Projects

A. Technical Committee meets to consider the project costs and potential wetland benefits of the nominees. Technical Committee will select ten candidate projects for detailed assessment by the Environmental, Engineering, and Economic Work Groups. At this time, the Technical Committee will also select up to three demonstration project candidates for detailed assessment by the Environmental, Engineering, and Economic Work Groups. Demonstration project candidates will be evaluated as outlined in Appendix E.

B. Technical Committee assigns a Federal sponsor for each project to develop preliminary Wetland Value Assessment data and engineering cost estimates for Phase 0 as described below.

V. Phase 0 Analysis of Candidate Projects

A. Sponsoring agency coordinates site visits for each project. A site visit is vital so each agency can see the conditions in the area and estimate the project area boundary. Field trip participation should be limited to two representatives from each agency. There will be no site visits conducted for demonstration projects.

B. Environmental and Engineering Work Groups and the Academic Advisory Group meet to refine project features and develop boundaries based on site visits.

C. Sponsoring agency develops Project Information Sheets on assigned projects, using formats developed by applicable work groups; prepares preliminary draft Wetland Value Assessment Project Information Sheet; and makes Phase 1 engineering and design cost estimates and Phase 2 construction cost estimates.

D. Environmental and Engineering Work Groups evaluate all projects (excluding demos) using the WVA and review design and cost estimates.

E. Engineering Work Group reviews and approves Phase 1 and 2 cost estimates.

F. Economics Work Group reviews cost estimates and develops annualized (fully funded) costs.

G. Environmental and Engineering Work Groups apply the Prioritization Criteria and develop prioritization scores for each candidate project.

H. Corps of Engineers staff prepares information package for Technical Committee and CPRA. Packages consist of:

- 1) updated Project Information Sheets;
- 2) a matrix for each region that lists projects, fully funded cost, average annual cost, Wetland Value Assessment results in net acres and Average Annual Habitat Units (AAHUs), cost effectiveness (average annual cost/AAHU), and the prioritization score.
- 3) qualitative discussion of supporting partnerships and public support;  
and

I. Technical Committee hosts two public hearings to present information from H above and allows public comment.

VI. Selection of 17<sup>th</sup> Priority Project List

A. The selection of the 17<sup>th</sup> PPL will occur at the Fall Technical Committee and Task Force meetings.

B. Technical Committee meets and considers matrix, Project Information Sheets, and public comments. The Technical Committee will recommend up to four projects for selection to the 17<sup>th</sup> PPL. The Technical Committee may also recommend demonstration projects for the 17<sup>th</sup> PPL.

C. The CWPPRA Task Force will review the TC recommendations and determine which projects will receive Phase 1 funding for the 17<sup>th</sup> PPL.

D. The CPRA reviews projects on the 17<sup>th</sup> Priority List and considers for Phase I approval and inclusion in the upcoming Comprehensive Master Coastal Protection Plan.

### **17<sup>th</sup> Priority List Project Development Schedule (dates subject to change)**

November 2006	Distribute public announcement of PPL17 process and schedule
January 9, 2007	Region IV Planning Team Meeting (Rockefeller Refuge)
January 10, 2007	Region III Planning Team Meeting (Morgan City)
January 11, 2007	Regions I and II Planning Team Meetings (New Orleans)
January 31, 2007	Task Force Meeting (Baton Rouge)
February 7, 2007	Coast-wide RPT Voting Meeting (Baton Rouge)
February 19, 2007	President's Day Holiday
February 20, 2007	Mardi Gras
February 1 – February 24	Agencies prepare fact sheets for RPT nominated projects
February 28 – March 1, 2007	Engineering/ Environmental work groups review project features, benefits & prepare preliminary cost estimates for nominated projects (Baton Rouge)
March 2, 2007	P&E Subcommittee prepares matrix of nominated projects showing initial cost estimates
March 14, 2007	Technical Committee meets to select PPL17 candidate projects (New Orleans)
April 11, 2007	Spring Task Force meeting (Lafayette)
April/May	Candidate project site visits
May/June/July/ August	Env/Eng/Econ work group project evaluations
June 13, 2007	Technical Committee meeting (Baton Rouge)
July 11, 2007	Task Force meeting (New Orleans) – announce public meetings
August 29, 2007	PPL 17 Public Meeting (Abbeville)
August 30, 2007	PPL 17 Public Meeting (New Orleans)
September 12, 2007	Technical Committee meeting - recommend PPL17 (New Orleans)
October 17, 2007	Task Force meeting to select PPL 17 (New Orleans)
December 5, 2007	Technical Committee meeting (Baton Rouge)
January 2008	RPT meetings for PPL 18
January 30, 2008	Task Force meeting (Baton Rouge)

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

TECHNICAL COMMITTEE MEETING

December 6, 2006

**DATE OF UPCOMING TASK FORCE MEETING**

The next Task Force meeting will be held January 31, 2007 at the LA Department of Wildlife and Fisheries in Baton Rouge, LA.

# COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

## TECHNICAL COMMITTEE MEETING

December 6, 2006

### **ANNOUNCEMENT: DATES AND LOCATIONS OF UPCOMING CWPRA MEETINGS:**

<b>2007</b>			
January 9, 2007	10:00 a.m.	RPT Region IV	Rockefeller Refuge
January 10, 2007	9:00 a.m.	RPT Region III	Morgan City
January 11, 2007	9:00 a.m.	RPT Region II	New Orleans
January 11, 2007	1:00 p.m.	RPT Region I	New Orleans
January 31, 2007	9:30 a.m.	Task Force	Baton Rouge
February 7, 2007	9:30 a.m.	Coast-wide RPT Voting	Baton Rouge
March 14, 2007	9:30 a.m.	Technical Committee	New Orleans
April 11, 2007	9:30 a.m.	Task Force	Lafayette
June 13, 2007	9:30 a.m.	Technical Committee	Baton Rouge
July 11, 2007	9:30 a.m.	Task Force	New Orleans
August 29, 2007	7:00 p.m.	PPL17 Public Meeting	Abbeville
August 30, 2007	7:00 p.m.	PPL17 Public Meeting	New Orleans
September 12, 2007	9:30 a.m.	Technical Committee	New Orleans
October 17, 2007	9:30 a.m.	Task Force	New Orleans
December 5, 2007	9:30 a.m.	Technical Committee	Baton Rouge
<b>2008</b>			
January 30, 2008	9:30 a.m.	Task Force	Baton Rouge